

# **Act XCIII of 1993**

## **on Labor Safety<sup>1</sup>**

With a view to establishing the personnel, material and organizational conditions for occupational safety and occupational health in the interest of protecting the health and ability to work of persons in organized employment and consequently improving their working conditions, thereby preventing accidents at work and occupational diseases, to defining the responsibilities, rights and obligations of the State, employers and employees, Parliament has adopted the following Act:<sup>2</sup>

### ***Chapter I.***

### ***GENERAL PROVISIONS***

#### ***Section 1***

(1)<sup>3</sup> 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. Occupational health is concerned with hygiene and health at work.

(2)<sup>4</sup> All persons working within the territory of Hungary shall have the right to safe, healthy working conditions.

### **Fundamental Principles**

#### ***Section 2***

(1)<sup>5</sup> In agreement with employer and employee interest representation organizations, the State shall define the basic occupational safety and health requirements, as well as the institutions for the control and supervision of such, and shall enact a national policy for the protection of health

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<sup>1</sup> Promulgated: 3 November 1993.

<sup>2</sup> Established: by subparagraph a) Section 185 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>3</sup> Established: by Section 1 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union, as of 1. 05. 2004. Amended: by subparagraph a) paragraph (10) Section 3 of Act CLXXIX of 2013. In force: as of 1. 12. 2013. The change does not effect the English version.

<sup>4</sup> Amended: by subparagraph b) Section 185 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>5</sup> Amended: by subparagraph c) Section 185 of Act CXCI of 2011. In force: as of 1. 01. 2012.

and working ability, labor safety and the work environment, the implementation of which it shall periodically review and inspect.

(2)<sup>6</sup> Implementation of occupational safety and occupational health requirements shall be the duty and obligation of employers. The responsibilities of the employees concerned with labor safety shall have no effect on the employers' obligation. The costs and other responsibilities associated with this obligation must not be devolved upon the employees.

(3) Employers shall define the manner of implementation of occupational safety and health requirements within the framework of legal regulations and applicable standards.

(4) Employers shall be liable to provide the opportunity to all employees to become familiar with the relevant regulations pertaining to occupational safety and health in the language they understand.

### *Section 3*

The State shall promote and supervise the enforcement of the regulations pertaining to occupational safety and health by way of the supervisory bodies established for this purpose.

### *Section 4*

Regulations pertaining to occupational safety and health shall be defined in such a way that such requirements provide adequate protection to employees, as well as to other persons in the proximity of the area where the work is performed, and to persons using the services. Work equipment shall be designed so as to preclude as much as possible the eventuality of accidents and health injury when used properly outside of the framework of organized employment.

### *Section 5<sup>7</sup>*

This Act shall provide for the reconciliation of interests related to occupational safety, as well as for the protection of the occupational safety interests of employees, defining the rights and obligations of the representatives of occupational safety, without prejudice to the rights of employees' interest representation organizations related to occupational safety which are regulated in other legal regulations, particularly in Act I of 2012 on the Labor Code (hereinafter referred to as "Labor Code"), and in the acts on public service officials, government administration and on the legal status of public servants and persons in healthcare service relationship.

### *Section 6*

Employers and employees, as well as State bodies shall cooperate in the course of exercising the rights and fulfilling the obligations set forth in this Act and in respect of other regulations pertaining to occupational safety and health.

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<sup>6</sup> Established: by Section 2 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>7</sup> Established by Section 13 of Act LXIV of 2016. Amended by Paragraph a) of Subsection (1) of Section 300 of Act CXXV of 2018, Paragraph a) of Section 182 of Act XCIX of 2021.

## *Section 7<sup>8</sup>*

The protection of data (personal, special and public data, classified information, industrial and business secrets) shall be provided as consistent with the relevant legal regulations during the course of any and all proceedings related to occupational safety. The data may be used for statistical purposes, and may be disclosed for the purposes of statistical use in a manner which precludes identification with the exception set out in Section 83/B.

## *Section 8<sup>9</sup>*

Certain activities may be recognized by statutory provision as specialized occupational safety or occupational health activities. The employer may only have such activities performed by persons with special training in occupational safety, or mining safety in the field of mining, or by persons with special training in occupational health [health at work (workers' health), occupational hygiene, public health and epidemic control, prophylactic medicine, social health] as prescribed in specific other legal regulations.

## Scope of the Act

### *Section 9*

(1) With the exceptions defined in Subsections (2) and (3), this Act shall apply to all forms of organized employment, irrespective of the organizational and ownership form involved.

(2)<sup>10</sup> Specific provisions of this Act (Sections 26/A, 28, 32, 40, 44 and 45) shall also apply to persons in the proximity of the area where the work is performed (passers-by, visitors, persons using services, etc.).

(3)<sup>11</sup> In respect of extraordinary working conditions (e.g. rescue operations, cases of natural disaster), and labor activities carried out within the framework of a work-related relationship or service relationship with law enforcement agencies, the Parliament Guard, national security services and disaster relief agencies, or as a finance guard of the Nemzeti Adó- és Vámhivatal (*National Tax and Customs Authority*), different requirements and procedural rules pertaining to occupational safety and health may be established in exceptionally justified cases in other legal regulations issued by the minister vested with jurisdiction - or by the minister in charge of law enforcement having regard to the Parliament Guard -, with due consideration to the provisions of this Act.

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<sup>8</sup> Amended: by Section 1 of Act CXXIX of 2006. In force: as of 01. 01. 2007. Amended: by paragraph (10) Section 42 of Act CLV of 2009. In force: as of 1. 04. 2010.

<sup>9</sup> Established: by Section 1 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>10</sup> Amended by: Subsection (1) of Section 18 of Act CII of 1997.

<sup>11</sup> Established by Subsection (1) of Section 52 of Act CXLI of 2011. Amended by Subsection (3) of Section 61 of Act CXCV of 2011, Paragraph a) of Subsection (3) of Section 109 of Act CCXIV of 2012, Paragraph a) of Section 6 of Act CLII of 2020.

(4)<sup>12</sup> The minister in charge of defense shall have powers to establish - in due consideration of the provisions of this Act and where deemed justified under extraordinary circumstances - special requirements and procedural rules with respect to work performed at defense organizations, vocational training institutions - other than military organizations - maintained and supervised by the minister in charge of defense, at bodies engaged in organized employment for reasons of national defense on land controlled and managed by the ministry of the minister in charge of defense or used by a defense organization under any other title, to labor activities carried out within the framework of organized employment at business associations designated by means of a decree under the Act on Home Defense and on the Hungarian Armed Forces, and on Measures to be Introduced Under Particular Legal Order falling within the regulatory authority of the minister in charge of defense, in respect of extraordinary working conditions - with due consideration of this Act, in exceptionally justified cases - concerning occupational safety and health.

### *Section 10<sup>13</sup>*

## Rules Pertaining to Labor Safety

### *Section 11<sup>14</sup>*

This Act shall set out the basic provisions for occupational safety, while the detailed regulations shall be set out in other legislation adopted by the minister in charge of employment and labor by authorization of this Act, and, with respect to hazardous activities, in regulations (hereinafter referred to as “Regulations”) enacted by decree of the competent minister. National standards on safety at work made entirely in the Hungarian language having regard to the Act on National Standardization shall also be considered occupational safety regulations.

### *Section 12*

The provisions pertaining to employers set forth in Subsection (3) of Section 2 shall also be construed as a labor safety regulation.

## ***Chapter II.***

## ***STATE RESPONSIBILITIES FOR LABOR SAFETY; AGENCIES OF ENFORCEMENT***

### Duties of the State

### *Section 13*

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<sup>12</sup> Established by Section 4 of Act CXLI of 2021, effective as of 1 January 2022.

<sup>13</sup> Repealed: by paragraph (1) Section 26 of Act LXXVIII of 2001. No longer in force: as of 1. 2. 2002.

<sup>14</sup> Established by Section 22 of Act XCIV of 2018, effective as of 1 January 2019.

The State shall have the duty of instituting the framework for labor safety by way of supervising the relevant procedures through the designated regulatory agencies.<sup>15</sup>

### *Section 14*

(1) Within the framework of labor safety administration, the State shall attend to the following duties:

- a)<sup>16</sup> establishment of a national occupational safety policy;
- b) determination of the fundamental requirements for occupational safety and health, along with the associated rights and obligations;
- c) promotion of the enforcement of labor safety regulations, in particular by the introduction of economic regulations also serving the purposes of this Act, by instituting incentives, by establishing the financial conditions for labor safety research programs of national importance, and by providing information and instruction;
- d) establishment of a curriculum related to general personal safety and to occupational safety and health regulations, for the purposes of general education and vocational training;
- e)<sup>17</sup> review the status of occupational safety at the national level on an annual basis and giving a summary of the findings in a report, and setting up and operating the occupational safety information network.

(2)<sup>18</sup> The State shall participate in the work of international occupational safety organizations and shall cooperate with other States for the purpose of harmonization of occupational safety duties, and shall prepare reports on the implementation of the Community rules on the safety and health of workers.

(3) The State shall attend to the duties described in Subsections (1) and (2) in cooperation with employer and employee interest representation organizations.

(4)<sup>19</sup> The minister in charge of employment and labor shall publish the report on the status of occupational safety at the national level by 30 September of the year following the year to which it pertains.

### *Section 15*

The State shall assume the following duties as part of its activities within the labor safety sector:

- a) publishing of Regulations;
- b)<sup>20</sup> sector-specific labor safety research and development, in harmony with the national occupational safety policy, and the provision of information and participation in the organization of advanced training.

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<sup>15</sup> See: MüM Decree No. 5/1993. (XII. 26.).

<sup>16</sup> Amended on the base: of subparagraph d) Section 185 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>17</sup> Established by Subsection (1) of Section 6 of Act LXXIX of 2016, effective as of 8 July 2016.

<sup>18</sup> Established: by Section 2 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>19</sup> Enacted by Subsection (2) of Section 6 of Act LXXIX of 2016, effective as of 8 July 2016.

<sup>20</sup> Amended on the base: of subparagraph e) Section 185 of Act CXCI of 2011. In force: as of 1. 01. 2012.

## *Section 16<sup>21</sup>*

Within its regulatory activities under Act on the General Rules of Administrative Proceedings, and in accordance with the provisions of Chapter VII, the State shall:<sup>22</sup>

- a) promote and supervise the enforcement of occupational safety regulations;
- b)<sup>23</sup> attend to the authorization and registration functions prescribed in this Act and as decreed by the minister in charge of employment and labor, and in specific other legislation.

## Agencies Responsible for the Execution of State Duties

### *Section 17<sup>24</sup>*

(1) The minister in charge of labor and employment and the minister in charge of mining operations, and the occupational safety and health administration shall have jurisdiction to attend to the duties related to the enforcement of occupational safety at the level of the national economy.

(2) Pursuant to other legal regulations the mining authority shall also exercise regulatory duties related to occupational safety.

(3) During the course of attending to their duties, the government agencies with jurisdiction for the supervision of occupational safety procedures shall cooperate with one another, as well as with administrative bodies and with employer and employee interest representation organizations.

(4) The sector-specific occupational safety duties shall be performed by the competent minister.

## ***Chapter III.***

# ***OCCUPATIONAL SAFETY AND HEALTH STANDARDS***

## General Requirements

### *Section 18*

(1) The design, implementation, commissioning and operation of workplaces, facilities and technological processes, furthermore, the manufacturing, production, storage, handling, transport, use, distribution, importation and operation of work equipment, materials, energy and personal safety equipment shall be carried out in observation of the requirements set forth in the labor safety regulations, or in the absence thereof, as consistent with the current level of scientific and technological achievement.

(2) Employers may not provide pecuniary or other redemption to employees in lieu of meeting the requirements of occupational safety and health standards.

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<sup>21</sup> Established: by Section 25 of Act LXXXIII of 2005. In force: as of 1. 11. 2005.

<sup>22</sup> Amended: by Section 81 of Act LVI of 2009. In force: as of 1. 10. 2009.

<sup>23</sup> Amended: by paragraph (3) Section 24 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>24</sup> Established: by Section 3 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

(3)<sup>25</sup> Work equipment may only be commissioned and put into operation if it satisfies all occupational safety and health requirements, and if it has a CE declaration of conformity or another document of the like in proof of conformity (e.g. certificate) attached as prescribed in specific other legislation under mandatory certification of specific products.

(4)<sup>26</sup> Personal safety equipment may only be placed on the market and used if it has a CE declaration of conformity for personal protective equipment or a CE type-certificate personal protective equipment. The testing of personal safety equipment for conformity shall be performed in accordance with the provisions decreed by the minister in charge of employment and labor.

(5)<sup>27</sup>

(6)<sup>28</sup> If the commissioning of certain work equipment is rendered subject to licensing by specific other legislation, such license shall be construed as the equivalent of the certificate of conformity described in Subsection (3).

## Construction Requirements

### *Section 19*

(1) With respect to construction, enforcement of labor safety requirements shall be the responsibility of those parties participating in the construction process, and they shall cooperate in the fulfillment of such requirements.

(2)<sup>29</sup>

(3) During the course of development or installation of workplaces and work equipment, and during the organization of labor, ergonomic considerations shall also be taken into account.

(4) With respect to the construction or creation of workplaces where disabled or physically handicapped persons are employed, the physical environment shall be designed to accommodate such disabilities.

### *Section 20*<sup>30</sup>

#### Commissioning under Labor Safety Standards<sup>31</sup>

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<sup>25</sup> Established: by Section 4 of Act CXXIX of 2006. In force: as of 01. 01. 2007. Amended on the base: of subparagraph f) Section 185 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>26</sup> Established by Section 4 of Act CXXIX of 2006. Amended by Paragraph a) of Section 23 of Act LXXIX of 2016.

<sup>27</sup> Repealed by Paragraph a) of Section 32 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>28</sup> Established: by Section 36 of Act LIII of 2002. In force: as of 01. 01. 2003.

<sup>29</sup> Repealed: by Section 186 of Act CXCI of 2011. No longer in force: as of 1. 01. 2012.

<sup>30</sup> Repealed: by paragraph (2) Section 54 of Act LIII of 2002. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>31</sup> Enacted: by Section 37 of Act LIII of 2002. In force: as of 01. 01. 2003.

## *Section 21<sup>32</sup>*

(1) The operating employer shall issue written instructions for the operation of hazardous facilities, workplaces, work equipment or technological processes (hereinafter referred to as ‘commissioning under labor safety standards’).

(2)<sup>33</sup> For the purposes of Section 21, ‘dangerous work equipment’ shall mean the work equipment defined under Point 11 of Section 87 and in the decree issued by the minister in charge of employment and labor as well as equipment subject to regulatory control.

(3)<sup>34</sup> 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 and is in conformity with the requirements laid down in Subsection (1) of Section 18. The performance of this inspection shall be construed as a specialized occupational safety and occupational health activity.

(4) The preliminary inspection shall pertain, in particular, to the statements of the persons engaged in installation (designer, contractor), test results in proof of conformity with labor safety requirements, declarations and certificates of conformity for work equipment, any regulatory permits and licenses, and user’s instructions and operating manuals.

(5)<sup>35</sup> A further requirement for the commissioning of certain dangerous work equipment specified in the decree of the minister in charge of employment and labor is a test report issued by an accredited body upon the examination of the work equipment in question for conformity, indicating the test results as well.

(6) The provisions set forth in Subsections (3) and (4) shall also be applied when restarting or relocating dangerous work equipment or a dangerous technological process.

(7)<sup>36</sup> Where dangerous work equipment or technological processes are operated for testing or experimental purposes, such work equipment or technological processes may be installed in due observation of the risks inherent in the testing process or trial operation. Dangerous work equipment or technological processes may be operated for testing or experimental purposes only after the preliminary inspection conducted under Subsection (3) independent of the testing process or trial operation. Such operation may not exceed one hundred and eighty days.

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<sup>32</sup> Established: by Section 37 of Act LIII of 2002. In force: as of 01. 01. 2003.

<sup>33</sup> Amended: by paragraph (3) Section 24 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>34</sup> Established: by Section 6 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union. Amended: by subparagraph a) paragraph (10) Section 3 of Act CLXXIX of 2013. In force: as of 1. 12. 2013. The change does not effect the English version.

<sup>35</sup> Established: by Section 5 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>36</sup> Established: by Section 170 of Act CXCI of 2011. In force: as of 1. 01. 2012.



## Section 22<sup>37</sup>

### Material Conditions for the Performance of Work

## Section 23

(1)<sup>38</sup> For the purpose of maintaining safe technical conditions, dangerous technological processes and the work equipment defined in Subsection (2) of Section 21 shall be subjected to periodic safety inspections, as shall work equipment that is subject to periodic safety inspections by virtue of a statutory provision, a standard or some other document concerning the safe operation and use of the equipment in question. The periodic safety inspection - except where it pertains to hazardous technological processes - shall be conducted by a person trained in the field in question and in labor safety (specialized occupational safety activity), or a person so authorized by specific other legislation, or an accredited institution. The inspection of hazardous technological processes may be conducted by a person possessing a labor safety expert license.

(2)<sup>39</sup> Any workplace, personal safety equipment or work equipment, or a technological process shall be examined by the operating employer without delay:

*a)* if it has directly endangered the health and safety of an employee during its use under normal operating conditions, or if an occupational accident occurred in connection thereto; or

*b)* upon the occurrence of exceptional circumstances (in particular modification, accident, natural phenomenon or any stoppage of over thirty days due to technical reasons).

Until the inspection is completed the operation and/or use of the workplace, personal safety equipment, work equipment or technological process shall be prohibited. Performance of such inspection shall be construed as a specialized occupational safety or occupational health activity, as appropriate.<sup>40</sup>

(3)<sup>41</sup> The minister in charge of employment and labor, in agreement with the minister in charge of the healthcare system, shall decree the minimum level of safety and health requirements regarding work equipment, and the minimum level of occupational safety requirements of work places, including the occupational safety regulations pertaining to temporary employment at varying construction sites.

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<sup>37</sup> Repealed: by paragraph (3) Section 34 of Act XI of 2004. No longer in force: simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union enters into force.

<sup>38</sup> Amended: by paragraph (1) Section 7 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union. Amended: by paragraph (2) Section 24 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>39</sup> Established: by paragraph (2) Section 36 of Act LXI of 2008. In force: as of 01. 01. 2009.

<sup>40</sup> Amended: by subparagraph a) paragraph (10) Section 3 of Act CLXXIX of 2013. In force: as of 1. 12. 2013. The change does not effect the English version.

<sup>41</sup> Established: by Section 6 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

## *Section 24*

The following shall be provided for all employees:

- a) drinking water in an adequate quantity and a quality which meets health regulations;
- b) facilities for dressing, washing, medical care, eating, resting and warming up in accordance with the nature of the work and the workplace.

## *Section 25*

According to the nature of work, the workplace shall be kept in good order and clean, and the handling of pollutants, sewage and solid waste shall be provided for in a manner to prevent such from causing any danger or health injury, or any damage to the environment.

## *Section 26<sup>42</sup>*

Signal and alarm equipment shall be provided at workplaces as consistent with the number of employees and the nature of danger.

## *Section 26/A<sup>43</sup>*

For the protection of employees and other personnel in the area, safety and health protection alarm signals shall be installed at such workplaces where it is justified by the nature of the hazard(s). Detailed regulations governing such shall be established by the minister in charge of employment and labor.<sup>44</sup>

## *Section 27*

Adequate access space as is necessary for conducting the work in a safe and healthy manner shall be provided for at workplaces.

## *Section 28*

(1) At workplaces where there is a potential danger of employee falling into or off of structures, or the employees and other personnel in the work area are at risk from falling objects, protection shall be provided by fencing, covering or any other appropriate way.

(2) The formation, placement and fastening of stages used at workplaces (scaffolding, platforms, service lanes) shall be sufficient for the nature of work to be performed and the expected burden, shall allow for safe performance of the work, shall have adequate room for the storage of necessary materials and equipment, and shall allow safe movement and ascent and descent.

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<sup>42</sup> Established by Paragraph c) of Section 23 of Act LXXIX of 2016, effective as of 8 July 2016.

<sup>43</sup> Enacted by: Section 4 of Act CII of 1997. Effective: 1 January 1998. Amended: by paragraph (3) Section 24 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>44</sup> See: MüM Decree No. 2/1998. (I. 16.).

### *Section 29*

Storage facilities shall be designed in observation of the physical, chemical and biological attributes of the materials to be stored and their interaction, influences from the ambient environment and the impact of the materials on human health and the environment, as well as the manner of loading, transport and storage.

### *Section 30*

Energy supply lines, pipelines and public utilities shall be designed to function safely, to allow for easy operation, maintenance and identification; electrical appliances shall conform to all applicable safety requirements (electric shock protection, explosion safety, etc.).

### *Section 31*

The natural and artificial lighting at workplaces shall meet the requirements pertaining to lighting suitable for the nature of the work.

### *Section 32*

Noise emission and vibration, dust and chemicals, as well as radiation and lower or higher atmospheric pressure may not result in injury to employees and other personnel in the work area, and may not endanger the safety of the performance of the work.

### *Section 33*

(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.

### *Section 34*

At outdoor workplaces protection shall be provided to the employees against weather conditions by technical means and/or organizational measures as suitable for the nature of the work, or by individual protection, warming facilities and protective drinks.

### *Section 35*

(1) Only buildings with appropriate structural condition and stability may be used as workplaces. Such buildings shall have adequate partitioning walls, interior height, airspace, space for movement and traffic routes to conform with occupational safety and health standards and as is consistent with the nature of the work, and hygienic requirements.

(2) All windows, skylights and ventilation equipment shall be designed to be opened, closed, adjusted and secured in a safe manner, and if opened they may not be in a position to pose any hazard to the employees.

(3) The protection of doors, gates and walls having transparent surfaces against breaking, and the distinguishing mark appropriate for the recognition of hazard shall be provided for.

(4)<sup>45</sup> Swing-doors and swing-gates are to be made of transparent material or to have a transparent panel installed at eye level.

### *Section 36*

(1) The floor and traffic routes of the workplace shall correspond with the nature of work and shall meet the cleaning requirements arising therefrom, as well as the highest level of expected use, while their surface shall be slip-proof, smooth, stumble-proof and tilt-proof. Traffic routes shall be designed with a width and free height to allow for the safe movement of pedestrians and vehicles, as well as for the safe performance of work near traffic routes and tracks.

(2) At workplaces and storage facilities with pedestrian and vehicular traffic, and where material is regularly transported, the routes used for transport and material handling shall be properly marked or separated from each other.

(3)<sup>46</sup> A door for pedestrians shall be installed in the immediate proximity of gates primarily used for vehicles, if no safe passage is available for pedestrians.

### *Section 37<sup>47</sup>*

The designated exits, emergency exits and escape routes shall be kept clear at all times. The number, size, location and illumination of such exit routes shall be designed so as to allow the workplace to be vacated quickly and safely. Sliding or revolving doors may not be used for emergency exits. Emergency exits may only be locked in such a manner that they can be opened by anyone in an emergency.

### *Section 38<sup>48</sup>*

At workplaces where smoking is banned for occupational safety and health reasons, separate smoking areas shall be designated outdoors, in accordance with the Act on the Protection of Non-Smokers and Certain Regulations on the Consumption and Distribution of Tobacco Products, unless the employer has adopted for the workplace the designation of 'smoke-free employer' in accordance with the provisions of specific other legislation.

### *Section 39*

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<sup>45</sup> Enacted by: Section 5 of Act CII of 1997. Effective: 1 January 1998.

<sup>46</sup> Enacted by: Section 6 of Act CII of 1997. Effective: 1 January 1998.

<sup>47</sup> Established by: Section 7 of Act CII of 1997. Effective: 1 January 1998.

<sup>48</sup> Established: by Section 14 of Act XLI of 2011. In force: as of 1. 01. 2012.

(1) Operating manuals in Hungarian shall be attached as permanent accessories to all machines for safety reasons, which shall be provided by the manufacturer or by the importer in respect of imports, or in the absence thereof, by the operator.

(2) An employer who employs workers who do not speak Hungarian shall also provide said operation manual, as well as all danger, prohibition and information signs, in the language understood by such employees.

## Requirements Pertaining to Work Procedures, Technological Processes and Materials

### *Section 40*

(1) Work procedures, technological processes, work equipment and materials shall be selected so as to prevent any imminent hazard to the health and safety of employees and to other personnel in the area of the performance of the work.

(2)<sup>49</sup> At workplaces where the employees of several different employers are employed simultaneously, work shall be coordinated so as to avoid exposing the employees and other personnel in the immediate work area to any danger. Within the framework of coordination the employees affected and workers' representatives and other personnel in the area concerned shall be informed of any risks regarding occupational safety and occupational health at work, and of the preventive measures adopted. Coordination shall be the responsibility of the employer designated by the parties in the contract, or in the absence of such clause, any other person or body who/that exercises actual control or who/that is mainly responsible for the workplace in question, or if there is no such person or body, the party on whose property the work is performed.

### *Section 41*

(1) Materials and products may only be handled using the appropriate instruments designed accordingly, and at the place and in the manner specified, in observation of weight and size limits as well.

(2) Notwithstanding any provisions of the Regulations (Section 11) to the contrary

- the order of traffic within workplaces shall be designed by duly applying the traffic rules for public areas, furthermore,

- the rules pertaining to railroad transport shall be applied to the operation of railroad lines within workplaces.

With respect to vehicles not used on public roadways, the provisions on the technical conditions for the operation of vehicles shall be duly applied.

### *Section 42*

In the case of hazardous work procedures and technological processes, for the purpose of the prevention of hazards, and/or the reduction of their detrimental effects

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<sup>49</sup> Established by Section 7 of Act LXXIX of 2016, effective as of 8 July 2016.

a)<sup>50</sup> the sources of hazard, the manner of protection against such and the occupational safety and health conditions shall be made known to the employees involved, in respect of the entire workplace and of each work procedure, also including the provisions of Subsection (2) of Section 40;

b)<sup>51</sup> personal protective equipment providing protection against hazard sources shall be specified and shall be supplied to the employees, employees shall be educated as to how to use them in accordance with their intended purpose, and use of such equipment shall be rendered mandatory;

c)<sup>52</sup> workplaces shall be equipped with appropriate fire extinguishing equipment as consistent with character of the workplace, with the work equipment, the physical and chemical attributes of materials and the number of employees, complete with smoke detectors and a fire alarm system where necessary. All safety and security equipment and instruments employed to neutralize sources of hazard, the alarm system, fire-extinguishing and first-aid equipment, emergency switches and safety lights (hereinafter referred to as „safety equipment”) shall be kept operable and in serviceable condition at all times;

d)<sup>53</sup> a plan shall be devised for the conveyance of information to the employees concerned and to terminate all activities, vacate the premises immediately and proceed to a safe place in the event of any imminent and direct danger threatening the health and safety of employees;

e) rescue and escape drills shall be conducted at the intervals defined in the Regulations (Section 11) or as required by the degree and nature of potential hazards,

f)<sup>54</sup> inspections shall be conducted from the perspective of occupational hygiene relating to the permissible limits of etiological factors at work.

### *Section 43*

Legal regulations may render the performance of certain work procedures subject to licensing.

### *Section 44*

(1)<sup>55</sup> In respect of work procedures where employees may be exposed to safety hazards effective protection shall be provided by the application of closed technologies, save where otherwise provided by specific other legislation, or if this is not possible, by the application, or joint application if necessary, of collective technical protection, organizational measures, personal safety equipment.

(2) The provision of Subsection (1) shall be duly applied to other personnel in the work area as well.

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<sup>50</sup> Established by: Section 8 of Act CII of 1997. Effective: 1 January 1998.

<sup>51</sup> Established by Section 8 of Act LXXIX of 2016, effective as of 8 July 2016.

<sup>52</sup> Amended: by paragraph (2) Section 24 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>53</sup> Established: by Section 9 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>54</sup> Enacted: by Section 3 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>55</sup> Established by Section 9 of Act LXXIX of 2016, effective as of 8 July 2016.

(3)<sup>56</sup> Working conditions and the working environment, including the length of working time, must be arranged to ensure the safety and health of workers. Where the period of work is such as to increase the risk of serious damage to health (supplementary work, overtime etc.), the provisions of specific other legislation must be observed.

### *Section 45*

(1)<sup>57</sup> An emergency rescue plan shall be prepared for the occurrence of irregular circumstances, when the safety rules pertaining to regular operations cannot be enforced, such plan taking into account the nature, location and size of the workplace, the effects of hazard sources, and other personnel in the work area. Personnel responsible for such rescue operations shall be designated. The relevant legislation may prescribe mandatory provisions in connection with the above. The emergency rescue plan may be incorporated in a safety, protection, action or other similar plan prescribed by specific other legislation.

(2) All employees involved shall be instructed regarding the section of the rescue plan pertaining to their workplace.

### *Section 46<sup>58</sup>*

Material, personnel and organizational conditions for first aid assistance shall be provided at workplaces in accordance with their nature and location, the sources of hazard, the number of employees, organization of the work, taking also into account the harmful effects from work and from the working environment and the etiological factors that might be present in the work environment.

### *Section 47*

Detailed provisions pertaining to the performance of work, work procedures, workplaces, technological processes, work equipment, personal safety equipment and protective drinks are contained in other legal regulations, in the Regulations (Section 11) and in standards.

### *Section 48*

Employers shall establish the manner of protection against the sources of hazard with due consideration of the provisions of this Act and those pursuant to Section 47.

## Personnel Conditions Related to Occupational Safety and Health

### *Section 49*

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<sup>56</sup> Enacted: by Section 4 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>57</sup> Established: by Section 172 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>58</sup> Established: by Section 173 of Act CXCI of 2011. In force: as of 1. 01. 2012.

(1)<sup>59</sup> A worker may only be employed in a particular position and under the condition, that:

- a) he/she has the appropriate physiological capabilities to perform the work;
- b) such employment has no detrimental effect on his/her health and physical integrity, and with respect to minors, has no detrimental affect on his/her development;
- c) the employment constitutes no danger to the worker's ability to reproduce or to her fetus;
- d) he/she represents no danger to the health or physical integrity of others, and he/she has proven to be fit for the work in accordance with the provisions of other legislation.

The employee's fitness for the job shall be determined by means of a medical examination defined in specific other legislation.

(2)<sup>60</sup> The Minister responsible for supervision of specific positions (occupations) may require mandatory aptitude tests to be completed, in addition to the provisions of Subsection (1), and shall establish the order of such tests in agreement with the minister in charge of the healthcare system.

(3)<sup>61</sup> The employer shall arrange for the medical examination of any worker who normally performs night work (Section 89 of the Labor Code) on a regular basis, or covering at least one-fourth of his/her annual working time before taking up work and periodically during the life of the employment relationship as prescribed in the relevant employment regulations.

(4)<sup>62</sup> If according to the findings of the medical examination of an employee night work may be detrimental to the health of the employee referred to in Subsection (3) or that his/her illness is directly related to night work, such employee must be transferred to work in day shifts.

### *Section 50*

Employees may only be assigned to the type of work which their health condition allows, and only if they have the knowledge, skills and experience necessary from the perspective of occupational safety and health considerations.

### *Section 50/A<sup>63</sup>*

Workers in particularly sensitive risk groups must be protected in accordance with specific other legislation against the dangers which specifically affect them.

### *Section 51*

(1) An appropriate number of employees with adequate qualifications shall be provided for the performance of the work in accordance with occupational safety and health considerations.

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<sup>59</sup> Established: by Section 174 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>60</sup> Amended: by paragraph (3) Section 24 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>61</sup> Enacted: by paragraph (1) Section 30 of Act LXXXVI of 2012. In force: as of 1. 07. 2012.

<sup>62</sup> Enacted: by paragraph (1) Section 30 of Act LXXXVI of 2012. In force: as of 1. 07. 2012.

<sup>63</sup> Enacted: by Section 10 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.



(2)<sup>64</sup> Wherever any hazard is imminent, work may not be performed in solitude and the workers admitted to such places must have proper training in the particular field or work involved (Section 55).

(3)<sup>65</sup> If a particular work may be hazardous to the health and physical condition of employees, the minister in charge of employment and labor, in agreement with minister in charge of the healthcare system and the Minister competent for such work, may prescribe that such work may only be performed by persons having appropriate vocational training (qualifications), and/or experience.

(4) If any work is simultaneously performed by two or more employees, one of the employees shall be appointed foreman for safety purposes, and such appointment shall be made known to the other employees.

### *Section 52*

(1) Within the framework of school education, pupils and students shall be educated regarding the basic rules of general personal safety and occupational safety and health standards.

(2)<sup>66</sup> As part of vocational training, students shall be educated regarding the health and safety requirements pertaining to the profession of their training. The minister vested with jurisdiction shall determine the curriculum necessary therefor, in agreement with the minister in charge of employment and labor.

### *Section 53*

The conditions for labor safety-related training shall be defined in other legal regulations.

## *Chapter IV.*

# ***RIGHTS AND OBLIGATIONS OF EMPLOYERS AND EMPLOYEES REGARDING THE ENFORCEMENT OF OCCUPATIONAL SAFETY AND HEALTH STANDARDS***

### *Section 54<sup>67</sup>*

(1) In the interest of occupational safety and health, employers shall observe the following general requirements:

- a)* hazards shall be avoided;
- b)* unavoidable hazards shall be evaluated;
- c)* hazards shall be eliminated at the place of origin;

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<sup>64</sup> Established: by Section 14 of Act LXXVIII of 2001. In force: as of 1. 2. 2002.

<sup>65</sup> Amended: by paragraph (3) Section 24 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>66</sup> Amended: by paragraph (3) Section 24 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>67</sup> Established by: Section 10 of Act CII of 1997. Effective: 1 January 1998.

*d)*<sup>68</sup> 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;

*e)* the achievements of technical progress shall be applied;

*f)* sources of hazard shall be replaced with non-hazardous or less hazardous sources;

*g)* a uniform and comprehensive prevention strategy shall be developed for the work process, technological process, organization of operations, work conditions, social relations and the impact of work environment factors;

*h)* collective technical protection shall have priority over individual protection;

*i)* sufficient information shall be provided to employees.

(2)<sup>69</sup> 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.

(3)<sup>70</sup> Unless otherwise provided for by law, employers are required to carry out risk assessment, risk management and the definition of preventive measures before taking up the pursuit of activities, and any time after that in duly justified cases, at least once in every three years. The requirements set out in Section 56 may be fixed in the risk assessment. Justified cases shall be construed as the following:

*a)* any change in the applied activities, technology, work equipment or working methods,

*b)* any change connected to the original activity, that may result in any change in the working conditions having a significant impact in the occupational safety and health of workers, including the working climate, noise and vibration, air conditions (quantitative and qualitative changes in pollutants, such as gaseous substances, dust and fibrous pollutants),

*c)* any accident, extreme exposure or occupational disease occurred at work due to any deficiency in the applied activities, technology, work equipment or working methods, furthermore

*d)* if the assessment of risks did not cover the factors defined in specific other legislation.

(4)<sup>71</sup> The burden of proof concerning the above-specified requirements shall lie with the employer in connection with an inspection by the occupational safety and health administration.

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<sup>68</sup> Established: by paragraph (1) Section 5 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>69</sup> Established: by paragraph (1) Section 175 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>70</sup> Established: by paragraph (1) Section 3 of Act CLXXIX of 2013. In force: as of 1. 12. 2013.

<sup>71</sup> Enacted: by Section 15 of Act LXXVIII of 2001. In force: as of 1. 2. 2002.

(5)<sup>72</sup> Employers shall be required to record the following upon the assessment of risks:

*a)* the date, place and subject of the assessment, and the particulars of the person carrying out the procedure;

*b)* identification of dangers;

*c)* identification and the number of workers exposed to these dangers;

*d)* aggravating circumstances in connection with a particular risk;

*e)* analysis of the qualitative and quantitative aspects of risks, assessment of compliance with labor safety regulations by comparison of existing conditions, and whether risks are kept at sufficiently low levels;

*f)* the necessary preventive measures, deadlines and personnel in charge;

*g)*<sup>73</sup> the proposed date of the next risk assessment;

*h)* date of the previous risk assessment.

Employers shall be required to keep the risk assessment reports for the period specified in specific other legislation, for no less than five years.

(6)<sup>74</sup> Drawing up the prevention strategy referred to in Paragraph *g)* of Subsection (1) in terms of occupational safety and occupational health shall be construed as a specialized occupational safety and occupational health activity.

(7)<sup>75</sup> In the interest of occupational safety and health, employers shall:

*a)* provide all necessary instructions and information to workers in due time before carrying out the work;

*b)* routinely review work conditions and ensure that they conform with requirements, and the workers have knowledge of and observe the provisions pertaining to them;

*c)* provide proper, suitable work equipment for workers for specific work procedures and with due consideration of the related hazards;

*d)*<sup>76</sup> discuss with the workers, and/or their representatives for occupational safety the consequences of changes in technological processes and the introduction of new technologies with potential impact on health and safety, before making such decisions;

*e)* investigate without delay any anomalies and irregular events upon learning of such events, and/or reports related to the safety and health of workers at work, furthermore, take the necessary measures, inform the parties involved, and stop work in the event of any imminent and direct danger;

*f)* act in accordance with the provisions of Chapter V in the case of accidents at work and occupational illnesses;

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<sup>72</sup> Enacted: by paragraph (2) Section 11 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>73</sup> Established: by paragraph (2) Section 175 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>74</sup> Enacted: by paragraph (2) Section 11 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

Amended: by subparagraphs a) and b) paragraph (10) Section 3 of Act CLXXIX of 2013. In force: as of 1. 12. 2013. The change does not effect the English version.

<sup>75</sup> Established: by paragraph (3) Section 175 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>76</sup> Established by Section 23 of Act XCIV of 2018, effective as of 1 January 2019.

g) guarantee proper applicability, protection capacity, satisfactory hygienic condition, necessary cleaning, maintenance (repair) and replacement of protective equipment;

h) take under full responsibility all steps and measures to prevent or reduce occupational risks connected with safety and health, to which workers may be exposed in light of the changing circumstances, and to continuously improve work conditions;

i)<sup>77</sup> provide for carrying out the responsibilities recognized as specialized occupational safety or occupational health activities in accordance with this Act, and shall appoint a person or organization qualified according to this Act to perform such activities.

(8)<sup>78</sup> The tasks and responsibilities specified in Subsections (2) and (3) shall be construed as specialized occupational safety and/or occupational health activities. For the purposes of risk assessment the provisions of decree on the protection of the health and safety of workers from the risks related to exposure to chemical factors at work shall also be taken into consideration.

(9)<sup>79</sup> Upon the conclusion of risk assessment, the employer shall decide - relying on the findings of the risk assessment - the most effective course of action in terms of protection, the modes of collective technical protection and personal protection, as well as the proposed preventive measures with respect to work organization and health.

### *Section 54/A<sup>80</sup>*

(1) The employer shall take the necessary measures to arrange any necessary contacts with external services and organs, particularly as regards first aid, emergency medical care, rescue work and fire-fighting.

(2) Pursuant to the provisions of specific other legislation, the employer shall designate the workers required to implement the evacuation of workers, for fire-fighting and disaster relief operations in the event of an emergency. The number of such workers, their training and the equipment available to them shall be adequate, taking account of the size and/or specific hazards of the company and/or establishment.

### *Section 55*

(1) Employers shall provide adequate training for employees to obtain theoretical and practical knowledge regarding occupational safety and health, and to be able to apply such during their employment, along with the necessary rules, instructions and information upon:

a) beginning work,

b) changing workplace or position, as well as upon changes in occupational safety and health standards,

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<sup>77</sup> Amended: by subparagraph a) paragraph (10) Section 3 of Act CLXXIX of 2013. In force: as of 1. 12. 2013. The change does not effect the English version.

<sup>78</sup> Enacted by Subsection (4) of Section 175 of Act CXCI of 2011. Amended by Paragraph c) of Section (10) of Section 3 of Act CLXXIX of 2013, Paragraph a) of Section 31 of Act CXXVI of 2019.

<sup>79</sup> Enacted: by paragraph (4) Section 175 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>80</sup> Enacted: by Section 12 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

- c) having a work instrument converted, or a new work instrument introduced,
- d) introducing a new technological process.

Training sessions shall be held during regular working hours, and shall be repeated periodically as appropriate, taking into account any changes in existing risks or new risks and implementing preventive steps and measures. The subject matter of the training sessions shall be recorded and signed by all participants.<sup>81</sup>

(2) Employees may not be assigned to independent positions until the acquisition of the knowledge prescribed in Subsection (1).

### *Section 56<sup>82</sup>*

Employers shall define in writing the internal rules for the provision of personal safety equipment. Fulfillment of this duty shall be construed as a specialized occupational safety and occupational health activity.

### *Section 57<sup>83</sup>*

(1)<sup>84</sup> In order to fulfill the employer's duties related to occupational safety and occupational health, employers shall designate or employ, and provide all necessary labor safety-related information and material conditions for, persons with specialized labor safety qualifications for the period and subject to the qualification requirements decreed by the minister in charge of employment and labor, as consistent with the category of hazard and the number of employees defined in the decree.

(2) The employment of a specialist as referred to in Subsection (1), or in compliance with Section 8, may be obtained from external sources under civil law contract as rendered by a contractor in the absence of an employee who is able to satisfy the criteria prescribed for qualification. Such employment, irrespective of its form, shall not relieve employers from their responsibilities defined in this Act regarding the installation and enforcement of occupational safety and occupational health standards.

(3) The duties of person referred to in the previous Subsections shall include:

- a) to conduct the preliminary inspection for occupational safety [Subsection (3) of Section 21];
- b) to carry out the periodic safety inspection [Subsection (1) of Section 23];
- c) participate in the special inspection of the workplace, personal safety equipment, work equipment or technological process [Subsection (2) of Section 23];

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<sup>81</sup> Established: by Section 13 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>82</sup> Established: by Section 14 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union. Amended: by subparagraph a) paragraph (10) Section 3 of Act CLXXIX of 2013. In force: as of 1. 12. 2013. The change does not effect the English version.

<sup>83</sup> Established: by Section 15 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>84</sup> Amended: by paragraph (3) Section 24 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

- d)* to assist in the drawing up of an emergency rescue plan [Subsection (1) of Section 45];
- e)* to take part in drawing up the prevention strategy in terms of occupational safety [Paragraph *g)* of Subsection (1) of Section 54];
- f)* to participate in the assessment of risks [Subsection (2) of Section 54], and in occupational safety education (Section 55);
- g)* to draw up the internal rules for the provision of personal safety equipment (Section 56);
- h)* to investigate occupational accidents (Section 64);
- i)*<sup>85</sup> to participate in carrying out the duties regarded as specialized occupational safety activities in specific other legislation and to take part in discharging the duties relating to health at work.

### *Section 58*<sup>86</sup>

(1) In addition to the obligations prescribed in Subsection (1) of Section 57, employers shall provide basic occupational health services in accordance with specific other legislation, regarding all workers, for the purpose of fulfilling their duties as prescribed by the provisions of Subsection (3) of Section 21, not including work equipment, Subsection (2) of Section 23, Subsection (1) of Section 40, Section 42, Subsection (1) of Section 44, Section 46, Subsection (1) of Section 49, in Paragraphs *b)*, *d)*-*g)* of Subsection (1) and Paragraph *b)* of Subsection 7 of Section 54 and in Section 56. Occupational health services may be provided by means of the employer's own service provider or through an external service provider under contract with the employer.

(2)<sup>87</sup> Without prejudice to the responsibility of employers, the occupational health service shall participate in the development of working conditions in compliance with health requirements and in the prevention of damage to health, and also in carrying out the tasks prescribed by specific other legislation, recognized as specialized occupational health activities.

(3) Employers shall guarantee that workers and their representatives receive the necessary information from the occupational health service in connection with their working conditions, particularly in the course of exercising the rights provided for in Section 61.

(4)<sup>88</sup> The occupational safety and health authority shall supervise the activities of the occupational health service. In carrying out these obligations employers may not issue instructions to the staff of the occupational health service. Supervision shall cover the definition and enforcement of good practice.

### *Section 59*

(1)<sup>89</sup> Employers shall inform employees and the labor safety representative (committee) regarding the person(s) assigned to fulfill the duties of employers related to occupational safety and health.

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<sup>85</sup> Established: by Section 10 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>86</sup> Established: by Section 176 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>87</sup> Amended: by subparagraph a) paragraph (10) Section 3 of Act CLXXIX of 2013. In force: as of 1. 12. 2013. The change does not effect the English version.

<sup>88</sup> Amended by Subsection (1) of Section 199 of Act XCIX of 2014.

<sup>89</sup> Numbering amended by: Section 12 of Act CII of 1997.

(2)<sup>90</sup> Employers shall inform the persons defined in Sections 8, 57 and 58 and the labor safety representative (committee), or the workers in absence of these, regarding the conclusions and findings of the hazard evaluation [Subsection (2) of Section 54] and labor safety measures, the recording and reporting procedures of occupational accidents and occupational diseases and the information concerning occupational safety received from the occupational safety and health administration under Section 81, particularly on the findings of their inspections.

### *Section 60*

(1)<sup>91</sup> Workers may only report to work in a condition appropriate for safe performance of the work, and in compliance with occupational safety and health rules and regulations, and following the instructions received in training. Workers must cooperate with one another, and shall perform their work without endangering their own health and the health of others. Therefore, they shall, in particular,<sup>92</sup>

*a)* make sure of the safe condition of work equipment provided in the manner reasonably expected, use such equipment in accordance with the designated purpose and with the employer's instructions, and attend to the maintenance duties as assigned;

*b)* use personal safety equipment in accordance with the designated purpose, and keep such equipment clean as reasonably expected;

*c)* wear clothes which do not endanger health and physical integrity during work;

*d)* observe discipline, order and cleanliness in their work area;

*e)* acquire the knowledge necessary for the safe performance of work, and apply such in the course of their work;

*f)* participate in the medical examination prescribed for them, or the aptitude test for specific positions;

*g)*<sup>93</sup> report any potentially dangerous irregular situations and malfunctions to the employer, and eliminate such irregular situations and malfunctions as reasonably expected, or request their superiors to take the necessary measures;

*h)* immediately report any accident, injury or sickness.

(2)<sup>94</sup> Employees may not turn off, remove or modify any safety equipment without being specifically instructed to do so.

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<sup>90</sup> Established: by Section 16 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union. Amended: by paragraph (4) Section 24 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>91</sup> Numbering amended by: Section 13 of Act CII of 1997.

<sup>92</sup> Amended: by paragraph (1) Section 17 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>93</sup> Established: by paragraph (2) Section 17 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>94</sup> Enacted by: Section 13 of Act CII of 1997. Effective: 1 January 1998.

(3)<sup>95</sup> Workers shall cooperate with the employer, and with the persons referred to in Section 8, Sections 57-58 and Section 70/A in carrying out the instructions of the authorities to ensure that the working environment is safe and poses no risk to the safety and health of workers, and also in carrying out the employer's measures for eliminating dangers.

### *Section 61*

Employees are entitled to demand that the employers

a) provide the conditions for occupational safety and health and the protective measures prescribed in the labor safety regulations in connection with hazardous activities;

b) provide the necessary information concerning occupational safety and health standards, and ensure sufficient time for learning such information;

c) provide the equipment, work equipment and protective equipment, and protective drinks prescribed, as well as cleaning agents and facilities necessary for the performance of the work from the perspective of labor safety.

### *Section 62<sup>96</sup>*

Employees may not be discriminated against for demanding that the conditions for occupational safety and health be provided, or for any report they file in good faith regarding the presumed negligence of an employer. This protection shall also apply to workers carrying out specialized occupational safety and occupational health duties and to workers who perform the duties defined in Sections 57-58.

### *Section 63*

(1) Employees are entitled to refuse work if the performance of such would result in direct and grave risk to their lives, health or physical integrity. Employees shall refuse to follow the instructions of employers if such would constitute direct and grave risk to other persons.

(2)<sup>97</sup> The inoperable condition or the absence of the necessary safety equipment and personal safety equipment shall be particularly construed as the risk defined in Subsection (1).

## *Chapter IV/A<sup>98</sup>*

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<sup>95</sup> Enacted: by paragraph (3) Section 17 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>96</sup> Established: by Section 18 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union. Amended: by subparagraph a) paragraph (10) Section 3 of Act CLXXIX of 2013. In force: as of 1. 12. 2013. The change does not effect the English version.

<sup>97</sup> Amended: by paragraph (2) Section 24 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>98</sup> Enacted by Section 26 of Act CXXVI of 2019, effective as of 1 January 2020.



## ***OCCUPATIONAL HEALTH REPORTS AND RECORDS<sup>99</sup>***

### *Section 63/A<sup>100</sup>*

(1) Employers shall keep records on the data and information under Subsection (2) relating to the exposure of workers at work for protection against dangerous substances and from the related health impairment. Moreover, the register is intended to feature facilities for the subsequent identification, control and documentation of risks in the interest of protection of the health of workers, the prevention of occupational diseases caused by dangerous substances, and in order to clarify risks related to exposure to dangerous substances at work.

(2) The register shall contain:

- a)* the employee's name, place and date of birth;
- b)* the name of the dangerous substance that caused the exposure;
- c)* the employee's daily, weekly and yearly exposure time;
- d)* exposure concentration measured separately for each substance.

(3) Employers shall keep the data contained in the register for ten years following the date of termination of employment, or for fifty years if the employee is exposed to carcinogenic substances at work.

(4) If the employer is dissolved without succession, it shall provide the data of record under Subsection (2) to the occupational safety and health authority of jurisdiction by reference to the place of work for the purpose defined in Subsection (1).

(5) The occupational safety and health authority shall provide for the safeguarding of such data as laid down in Subsection (3).

### *Section 63/B<sup>101</sup>*

(1) Employers shall keep records on employees who are or might be exposed to carcinogenic or mutagenic substances at work for protection against carcinogenic substances and from related health impairment, and for the prevention of neoplastic diseases. Moreover, the register is intended to feature facilities for the subsequent identification, control and documentation of risks in the interest of protection of the health of workers, the prevention of occupational health impairment and neoplastic diseases caused by carcinogenic or mutagenic substances, and in order to clarify risks related to exposure to carcinogenic or mutagenic substances at work.

(2) The register shall contain:

- a)* the employee's name, place and date of birth;
- b)* name of carcinogenic substance that caused the exposure;
- c)* the employee's daily, weekly and yearly exposure time;
- d)* exposure concentration measured separately for each substance.

(3) The employer shall process the data contained in the register specified in Subsection (2) for fifty years following the last day of exposure.

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<sup>99</sup> Enacted by Section 26 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>100</sup> Enacted by Section 26 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>101</sup> Enacted by Section 26 of Act CXXVI of 2019, effective as of 1 January 2020.

(4) If the employer is dissolved without succession, it shall provide the data of record under Subsection (2) to the occupational safety and health authority of jurisdiction by reference to the place of work for the purpose defined in Subsection (1).

(5) The occupational safety and health authority shall provide for the safeguarding of such data as laid down in Subsection (3).

### *Section 63/C<sup>102</sup>*

(1) Work performed involving carcinogenic substances provided for in the statute on the protection against hazardous substances and the prevention of related health impairment shall be reported due to any risk it may pose to the occupational safety and health authority by the 10th day of January each year for carrying out a regulatory inspection, and in order to clarify risks related to harmful exposure or occupational diseases that may potentially occur at work in the future.

(2) The occupational safety and health authority shall publish the notification document to be used on the official website of the minister in charge of employment and labor. The report shall include:

- a) the employer's name, address of fixed establishment, telephone number, e-mail address;
- b) the exact location of the activity within the establishment;
- c) classification by sector or class;
- d) the date of the last report;
- e) use of carcinogenic or mutagenic substances, including the rationale for their use;
- f) description of the jobs subjected to exposure, and the number of staff working in those jobs;
- g) year of birth of the employees exposed to carcinogenic substances, including their social security number, job description;
- h) data relating to the carcinogenic or mutagenic substances, and mixtures containing carcinogenic or mutagenic substances;
- i) the results of air pollution tests in the year (mg/m<sup>3</sup>) for each substance.

(3) The occupational safety and health authority shall keep records according to Section 83/A of the data reported under Subsection (2).

(4) The implementing rules related to this Section are laid down in the statute on the protection against hazardous substances and the prevention of related health impairment.

## *Chapter V.*

### ***REPORTING, INVESTIGATION AND REGISTRATION OF INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES***

#### *Section 64*

(1)<sup>103</sup> Occupational accidents resulting in a worker being unfit for work for more than three working days, as well as cases of occupational diseases and harmful exposures shall be reported, investigated and registered.

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<sup>102</sup> Enacted by Section 26 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>103</sup> Established by Subsection (1) of Section 20 of Act CLXXXVI of 2015, effective as of 1 January 2016.

(2)<sup>104</sup> The actions prescribed in Subsection (1) shall be carried out  
a) unless otherwise prescribed by law, by the employer regarding accidents at work and cases of harmful exposure,

b) by the agency (person) defined in the decree adopted by the minister in charge of employment and labor in agreement with the minister in charge of the healthcare system regarding occupational diseases.

(3)<sup>105</sup> Employers shall record the following personal data of injured (sick) persons and persons affected by occupational accidents, occupational diseases and harmful exposure: name (including birth name), mother's name, social security identification code, place and date of birth, sex, citizenship, address. Employers shall also indicate their tax numbers, or if the employer does not have a tax number, his tax identification code shall be included among his personal data.

(4)<sup>106</sup> The employer shall immediately investigate all accidents at work and cases of harmful exposure resulting in incapacity for work and shall record the findings of such investigation in an accident at work report in connection with accidents, or on an examination form in cases of harmful exposure. The physician of the provider of basic occupational health services shall be notified about the opening of investigation of the accident at work. As to whether medical advice is necessary for the investigation of the accident at work shall be decided by the physician of the provider of basic occupational health services. In the case of a serious accident at work and harmful exposure, the physician of the provider of basic occupational health services shall be involved in the investigation. The employer shall also investigate the accidents at work that did not result in the worker's incapacity for work.

(5)<sup>107</sup> The employer shall forthwith notify the occupational safety and health administration [Subsection (2) of Section 84].

(6)<sup>108</sup> Detailed regulations on the reporting, investigation and registration of occupational accidents shall be established in this Act and in the decree issued by the minister in charge of employment and labor, and with regard to occupational diseases and cases of harmful exposure in the decree adopted by the minister in charge of employment and labor - in agreement with the minister in charge of the healthcare system.

## *Section 65*

(1)<sup>109</sup> The investigation of an occupational accident, occupational sickness or harmful exposure shall proceed to determine the material, organizational and personnel reason(s) being directly

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<sup>104</sup> Established by Subsection (1) of Section 15 of Act CX of 2019, effective as of 1 January 2020.

<sup>105</sup> Established by paragraph (2) Section 3 of Act CLXXIX of 2013. Amended by Paragraph a) of Section 21 of Act CLXXXVI of 2015.

<sup>106</sup> Established by Subsection (2) of Section 15 of Act CX of 2019, effective as of 1 January 2020.

<sup>107</sup> Enacted: by paragraph (2) Section 19 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union. Amended: by paragraph (4) Section 24 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>108</sup> Established: by paragraph (3) Section 3 of Act CLXXIX of 2013. In force: as of 1. 12. 2013.

<sup>109</sup> Established: by paragraph (4) Section 3 of Act CLXXIX of 2013. In force: as of 1. 12. 2013.

responsible for or contributing to such occurrence; on this basis the employer shall take steps to prevent occupational accidents, occupational diseases and harmful exposures.

(2)<sup>110</sup> The investigation of occupational accidents shall be construed as a specialized occupational safety activity.

(3)<sup>111</sup> The investigation of cases of harmful exposure shall be construed as a specialized occupational safety activity.

### *Section 66*

(1)<sup>112</sup> The injured person, and/or those who noticed the accident shall report the accident without delay to the immediate supervisor. If the injured person fails to comply with that obligation for reasons within his control, in the investigation conducted by the employer of the accident the onus shall be on the injured person to prove that the accident occurred during, or in connection with, the performance of work.

(2) With regard to all which are accidents reported, and/or came to their knowledge, employers shall establish whether to consider such as industrial accidents. If not considered as industrial accidents, the injured party, or in the case of fatal accidents their next of kin, shall be informed of this fact and on the legal remedy available (Section 68).

(3)<sup>113</sup> Employers shall arrange for the workers' representative for occupational safety to participate in the investigation of accidents at work, occupational diseases and cases of harmful exposure.

### *Section 67<sup>114</sup>*

Based on the provisions of law, employers are not required to report, investigate and register occupational accidents after three years following the occurrence thereof. In other respects periods of limitation shall be governed by the relevant civil law provisions.

### *Section 68<sup>115</sup>*

(1)<sup>116</sup> If the injured person wishes to contest the employer's actions, or nonfeasance, regarding the reporting, investigation and registration of an accident at work, or the employer's failure to investigate an occupational disease or harmful exposure, or if the worker disputes the employer's assessment of the extent of the injury, he may do so by filing a complaint with the occupational safety and health authority of jurisdiction on the notification document provided for in Annex 1

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<sup>110</sup> Established by Section 11 of Act LXXIX of 2016, effective as of 8 July 2016.

<sup>111</sup> Enacted by Subsection (3) of Section 15 of Act CX of 2019, effective as of 1 January 2020.

<sup>112</sup> Established by Section 7 of Act CXLV of 2016, effective as of 1 January 2017.

<sup>113</sup> Established by Subsection (4) of Section 15 of Act CX of 2019, effective as of 1 January 2020.

<sup>114</sup> Established by Section 12 of Act LXXIX of 2016, effective as of 8 July 2016.

<sup>115</sup> Established: by Section 177 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>116</sup> Established by Section 8 of Act CXLV of 2016, effective as of 1 January 2017.

electronically or other means. Upon receipt of the worker's complaint the occupational safety and health authority shall conduct the procedure ex officio. The occupational safety and health authority shall direct the person alleging to have suffered an occupational illness, or complaining about the employer's failure to investigate such occurrence to the doctor competent for reporting or to the occupational hygiene and occupational health agency.

(2)<sup>117</sup> If deterioration of the affected worker's health is attributable to work, or to etiological factors at work, and the body or person referred to in Paragraph *b*) of Subsection (2) of Section 64 failed to report the occupational illness in question, the worker shall be entitled to seek remedy at the occupational safety and health authority. The occupational safety and health authority shall forward the suspicion of an occupational disease to the body specified in the Decree on the Reporting and Investigation of Occupational Diseases and Cases of Harmful Exposures for conducting preliminary inquiries and for reporting.

(3) If the person referred to in Subsections (1) and (2), or the injured person has died or is unable to act on his own behalf due to health reasons, the injured person's relative shall be treated as a party. The compliant shall provide evidence of the relationship between the injured person and his relative.

### *Section 69<sup>118</sup>*

If an employee of a Hungarian-registered employer suffers an industrial accident in the course of his foreign assignment (foreign service), the employer shall fulfill its obligation of reporting and registration in the order defined in the decree of the minister in charge of employment and labor.

## *Chapter VI.*

### ***LABOR SAFETY INTEREST REPRESENTATION AND RECONCILIATION***

#### Consultation with Workers<sup>119</sup>

### *Section 70<sup>120</sup>*

(1) Employers shall consult workers and/or their representatives and allow them to take part in discussions in advance and in good time on all questions relating to the employer's actions concerning safety and health at work.

(2) Workers or workers' representatives - in addition to what is contained in Subsection (1) - shall be consulted with regard to the following obligations of the employer:

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<sup>117</sup> Amended by Paragraph a) of Subsection (6) of Section 15 of Act CX of 2019.

<sup>118</sup> Amended: by paragraph (3) Section 24 of Act CXXIX of 2006. In force: as of 01. 01. 2007. Amended: by paragraph (11) Section 3 of Act CLXXIX of 2013. In force: as of 1. 12. 2013.

<sup>119</sup> Enacted: by Section 20 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>120</sup> Enacted: by Section 20 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

a) the designation, employment and activities of workers for carrying out the duties related to occupational safety (Section 8, Section 54/A, Sections 57-58);

b) the provision of information concerning safety at work [as referred to in Subsection (2) of Section 40, in Paragraph a) of Section 42, in Subsection (2) of Section 45, in Paragraph i) of Subsection (1) of Section 54, in Paragraph a) of Subsection (7) of Section 54, in Subsection (3) of Section 58, in Subsection (2) of Section 59, and in Subsection (3) of Section 81];

c) the planning and organization of the training concerned with occupational safety (Section 55).

(3) The consultation shall be held in a balanced way and shall ensure the right of workers and/or their representatives to make proposals.

(4) To ensure balanced participation the employer shall be represented in the consultation by a person vested with authority in questions of occupational safety.

(5)<sup>121</sup> The provisions on occupational safety interest representation and reconciliation shall be laid down and applied with regard to defense organizations and public education institutions - other than military organizations - maintained and supervised by the minister in charge of defense in accordance with other relevant regulations, in particular Act CCV of 2012 on the Legal Status of Soldiers.

## Workers' Representatives, Labor Safety Committees, and Common Representative Bodies<sup>122</sup>

### *Section 70/A<sup>123</sup>*

(1)<sup>124</sup> Workers shall have the right to elect a representative or representatives from among themselves to represent their rights and interests related to occupational safety and occupational health (hereinafter referred to as "workers' representative for occupational safety") according to the following:

a) a workers' representative for occupational safety shall be elected at all employers with at least twenty workers. The provision of the conditions for the election and conducting the election shall be the responsibility of the employer;

b) where the election of a workers' representative for occupational safety at an employer with less than twenty employees is initiated by the local branch of the trade union or the shop steward, or failing this, by the majority of workers, the obligation for conducting the election - as specified in Paragraph a) - lies with the employer;

c) employers with less than twenty employees - if a workers' representative for occupational safety is not elected - shall hold a consultation with the workers as provided for in Section 70;

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<sup>121</sup> Enacted by Section 9 of Act CXLV of 2016. Amended by Paragraph a) of Section 9 of Act CV of 2019.

<sup>122</sup> Established: by Section 21 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>123</sup> Numbering amended: by Section 20 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>124</sup> Established by Section 14 of Act LXXIX of 2016, effective as of 8 July 2016.

d) at an independent establishment or division of an employer, a workers' representative for occupational safety may be elected if the director of the independent establishment or division is vested with some or all of the rights referred to in Sections 54-56 concerning occupational safety.

(2)<sup>125</sup> Section 238 of the Labor Code shall apply to the election of workers' representatives for occupational safety, with the proviso that, apart from Subsection (2) of Section 238 of the Labor Code, a person appointed to carry out occupational safety functions on the employer's behalf, under contract of employment, as his principle activity may not be elected workers' representative.

(3)<sup>126</sup> Workers' representatives are elected by secret and direct ballot for a term of five years. The workers affected must be informed of the outcome of such elections. As regards the election, mandate, dismissal and recall of workers' representatives, and their area of competence, the provisions of the Labor Code pertaining to members of works councils and to shop stewards shall be duly applied, including the possibility of foundation of a central committee for occupational safety.

(4)<sup>127</sup> The labor safety representatives, if there are at least three, may establish a local labor safety committee (hereinafter referred to as „committee”). If a committee is established the rights of labor safety representatives, if such rights affect all employees, shall be exercised by the committee.<sup>128</sup>

(5)<sup>129</sup> The employer, or its duly authorized representative, shall attend the committee sessions if so requested by the committee.

### *Section 70/B<sup>130</sup>*

(1)<sup>131</sup> At the employers employing at least twenty workers, and where a workers' representative has been elected, a common representative body (hereinafter referred to as “representative body”) shall be set up by the employer, with an equal number of delegates representing the employer and the workers.

(2) The representative body shall have an equal number of regular and alternate members on both the employers' and the workers' side. Alternate members may substitute regular members when so authorized, or shall replace them when the term of the regular member is terminated for any reason.

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<sup>125</sup> Established by Section 14 of Act LXXIX of 2016, effective as of 8 July 2016.

<sup>126</sup> Established: by Section 29 of Act CV of 2011. In force: as of 1. 08. 2011. Amended: by subparagraph c) paragraph (5) Section 30 of Act LXXXVI of 2012. In force: as of 1. 07. 2012.

<sup>127</sup> Numbering amended: by Section 22 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>128</sup> Corrected by: Hungarian Gazette 1993/173.

<sup>129</sup> Numbering amended: by Section 22 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>130</sup> Enacted: by Section 23 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>131</sup> Established by Section 9 of Act CLXI of 2007. Amended by Paragraph d) of Section 23 of Act LXXIX of 2016.

(3) The representatives of workers (regular and alternate members) for the representative body are delegated by secret ballot from the workers' representatives elected according to Paragraph *a*) of Subsection (1) of Section 70/A. The employer shall take the initial step for the foundation of the representative body and shall provide for the conditions of the election.

(4)<sup>132</sup> The employer shall delegate an executive employee with decision-making authority (Labor Code, Section 208) to the representative body, and a person appointed to carry out some or all of the employer's obligations concerning occupational safety (a foreman or supervisor, or an occupational safety expert engaged under contract of employment). The experts providing occupational safety related services to the employer on a regular basis shall be invited to the representative body's sessions in an advisory capacity.

(5)<sup>133</sup> The term of all members of the representative body (regular and alternate) shall be five years.

(6) Employer and worker representatives shall alternate in the office of the chairman of the representative body. The number of regular and alternate members, expiration of term, conditions for dismissal, the order of chairmanship and the rules of operations, procedural order and other issues concerning procedure shall be decided by discussion between the representatives of workers and the employer. The employer shall provide for the conditions of operations of the representative body.

(7) In connection with its activities relating to the safety and health protection of workers at work, the representative body shall:

*a*) analyze the working conditions and the working environment for the safety and health of workers on a regular basis, but at least once a year, as well as the related measures that may be necessary;

*b*) discuss the program concerning safety at work and shall monitor its implementation;

*c*) present its opinion on the drafts of internal regulations concerning safety at work.

(8) The actions of the representative body shall have no effect on the legal status of workers' representatives and labor safety committees, nor the employer's responsibilities concerning the safety requirements laid down in this Act.

### *Section 71*<sup>134</sup>

Workers and their representatives (committees) and employers shall cooperate in the course of exercising rights and fulfilling obligations related to occupational safety and occupational health issues, and their rights and obligations shall be exercised and fulfilled in accordance with their intended purpose, such as to provide the necessary information to one another before making the decision on introducing the measure.

### *Section 72*

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<sup>132</sup> Amended by Paragraph e) of Section 23 of Act LXXIX of 2016.

<sup>133</sup> Established: by Section 30 of Act CV of 2011. In force: as of 1. 08. 2011.

<sup>134</sup> Established by Section 24 of Act XI of 2004. Amended by Paragraph a) of Section 34 of Act XCIV of 2018.



(1)<sup>135</sup> Workers' representatives shall be entitled to inspect - with a view to what is contained in Section 70 - the enforcement of occupational safety and occupational health requirements at workplaces, with particular attention to the following:

- the safe condition of workplaces, work equipment and personal safety equipment;
- the implementation of measures taken in order to protect health and to prevent accidents at work and occupational diseases;<sup>136</sup>
- the preparation and preparedness of employees for occupational safety and occupational health at work.

(2) Within the framework of exercising their rights defined in Subsection (1), labor safety representatives shall be entitled to

*a)* enter the workplaces in their spheres of operation during working hours and inquire among the employees working there;

*b)*<sup>137</sup> participate in the preparation of employer decisions which may affect the health and safety of employees, including the compulsory employment of specialists (Sections 8, 57 and 58), the planning and arrangements for occupational safety training (Section 55) and the decisions on the establishment of new jobs or positions as well;

*c)* request information from employers regarding any and all issues pertaining to occupational safety and health;

*d)* express their opinion, and request the employer to take the necessary measures;

*e)*<sup>138</sup> take part in the investigation of occupational accidents in due observation of the provisions on data protection, and in the exploration of the circumstances of occupational diseases and cases of harmful exposure;

*f)*<sup>139</sup> petition the competent occupational safety and health administration in justified cases;

*g)*<sup>140</sup> express their opinion to the person conducting the regulatory inspection.

(3)<sup>141</sup> Based on the advance consent of employers, workers' representatives (committees) shall be entitled to seek the assistance of experts regarding issues related to occupational safety and occupational health, and furthermore, to conduct discussions on such issues with the occupational safety and health administrations.

(4) If, within the framework of his obligations prescribed in Subsection (3) of Section 2, an employer defines the manner of enforcement of the requirements in labor safety regulations, the

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<sup>135</sup> Established: by paragraph (1) Section 25 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>136</sup> Established: by Section 13 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>137</sup> Established: by Section 19 of Act LXXVIII of 2001. In force: as of 1. 2. 2002.

<sup>138</sup> Established by Section 24 of Act XCIV of 2018. Amended by Paragraph b) of Subsection (6) of Section 15 of Act CX of 2019.

<sup>139</sup> Amended: by paragraph (4) Section 24 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>140</sup> Enacted by: Section 14 of Act CII of 1997. Effective: 1 January 1998.

<sup>141</sup> Established: by paragraph (2) Section 25 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union. Amended: by paragraph (4) Section 24 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

consent of the labor safety representative (committee) is required for having such regulations issued.<sup>142</sup>

### *Section 73*

(1)<sup>143</sup> Employers shall take measures or respond within eight days to the initiatives of workers' representatives (committees) defined in Paragraphs *c)-e)* of Subsection (2) of Section 72, or shall inform said workers' representatives (committees) about the reasons if those measures are lacking.

(2) If they disagree with an initiative, employers shall explain their position in writing, with the exception of cases requiring immediate action.

### *Section 74<sup>144</sup>*

Labor safety representatives (committees) shall be entitled to propose to employers to have a labor safety program prepared. If the employers defined in the decree of the minister in charge of employment and labor fails to agree, the labor safety representatives (committees) may initiate a collective labor debate as described in the Labor Code.

### *Section 75<sup>145</sup>*

(1) Employers shall ensure the conditions in order that workers' representatives may exercise their rights, particularly:

*a)*<sup>146</sup> leave of absence with absentee pay, as necessary for carrying out his duties, meaning at least ten per cent of the monthly worktime for workers' representatives and members of the representative body;

*b)* the necessary equipment, such as operating, technical and material conditions, and the relevant technical specifications;

*c)*<sup>147</sup> the opportunity to attend, within one year of being elected, a training course of at least 16 hours, and the opportunity of annually taking eight hours of advanced training, if re-elected.

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<sup>142</sup> Corrected by: Hungarian Gazette 1993/173.

<sup>143</sup> Established by Section 25 of Act XCIV of 2018, effective as of 1 January 2019.

<sup>144</sup> Amended: by paragraph (3) Section 24 of Act CXXIX of 2006. In force: as of 01. 01. 2007. Amended: by subparagraph d) paragraph (5) Section 30 of Act LXXXVI of 2012. In force: as of 1. 07. 2012. The change does not effect the English version.

<sup>145</sup> Established: by Section 27 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>146</sup> Amended by Paragraph b) of Section 34 of Act XCIV of 2018.

<sup>147</sup> Established by Subsection (1) of Section 26 of Act XCIV of 2018, effective as of 1 January 2019.

(2)<sup>148</sup> The costs of carrying out the provisions of Subsection (1) shall be borne by the employer. The training referred to in Paragraph *c*) of Subsection (1) shall be held in regular work hours and within the framework of professional training.

### *Section 76*

(1)<sup>149</sup> Workers' representatives (committees) may not be prevented from exercising their rights and may not be discriminated against in connection with the exercise of those rights.

(2) Labor safety representatives (committees) shall proceed in accordance with the provisions of the labor laws pertaining to the members of works councils (employee delegates) with regard to the disclosure of the information and facts acquired during their actions.

(3)<sup>150</sup> In respect of the labor law protection of workers' representatives, the provisions of Subsections (1), (2) and (6) of Section 273 of the Labor Code shall apply *mutatis mutandis*, with the proviso that the committee shall be construed as the immediate higher trade union organ, or in the absence thereof, the body of employees who elected the workers' representative.

### *Section 77*<sup>151</sup>

For the purposes of Sections 70-76 of this Act, persons working in penal institutions shall not be considered employees.

## National Committee for Occupational Safety<sup>152</sup>

### *Section 78*<sup>153</sup>

National reconciliation of interests related to occupational safety and occupational health shall be performed by the National Committee for Occupational Safety operating according to its own order of business, and consisting of the interest representation organs of employees and employers, as well as the representatives of the Government (hereinafter referred to as 'negotiating parties').

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<sup>148</sup> Established by Subsection (2) of Section 26 of Act XCIV of 2018. Amended by Point 1 of Section 11 of Act CXII of 2019.

<sup>149</sup> Established by Section 27 of Act XCIV of 2018, effective as of 1 January 2019.

<sup>150</sup> Established by Section 15 of Act LXXIX of 2016, effective as of 8 July 2016.

<sup>151</sup> Established by: Subsection (2) of Section 104 of Act LXII of 1996. Effective: 1 Sept. 1996.

<sup>152</sup> Established by Section 28 of Act XCIV of 2018, effective as of 1 January 2019.

<sup>153</sup> Established by Section 29 of Act XI of 2004. Amended by subparagraph e) Section 13 of Act XCIII of 2011, Paragraph c) of Section 34 of Act XCIV of 2018.

## *Section 79<sup>154</sup>*

(1) Within the framework of its activities relating to occupational safety and occupational health, the National Committee for Occupational Safety shall:<sup>155</sup>

*a)*<sup>156</sup> express its preliminary opinion on bills of legislation and drafts of other provisions and measures, as described in Section 11, as well as on the accounts (reports) and temporary programs; its unanimous resolution or the differing opinion of the negotiating parties must be indicated in the respective presentations;

*b)*<sup>157</sup> take part in drawing up the national occupational safety policy and the annual schedule and timetable for the execution of the program, and in the analysis and review of the program;

*c)*<sup>158</sup> negotiate and present its opinion, and/or formulate recommendations and opinions concerning the occupational safety issues presented by the negotiating parties;

*d)* adopt recommendations concerning occupational safety requirements exceeding those contained in occupational safety regulations;

*e)* provide information to the general public concerning its work;

*f)*<sup>159</sup> support the occupational safety information network by providing comments and information from its own database.

*g)*<sup>160</sup> decide matters relating to the establishment of a curriculum related to general personal safety and - in the field or trade courses - to occupational safety and health regulations, for the purposes of general education and vocational training.

(2)<sup>161</sup> The occupational safety and health administration shall provide secretarial and administrative services to the National Committee for Occupational Safety.

## *Section 80<sup>162</sup>*

### ***Chapter VII.***

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<sup>154</sup> Established: by Section 30 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>155</sup> Amended by Paragraph c) of Section 34 of Act XCIV of 2018.

<sup>156</sup> Established: by paragraph (1) Section 178 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>157</sup> Amended: by subparagraph g) Section 185 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>158</sup> Established: by paragraph (2) Section 178 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>159</sup> Established: by paragraph (1) Section 3 of Act CLXVI of 2011. In force: as of 1. 01. 2012.

<sup>160</sup> Enacted: by paragraph (3) Section 178 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>161</sup> Amended by paragraph (4) Section 24 of Act CXXIX of 2006, Paragraph c) of Section 34 of Act XCIV of 2018.

<sup>162</sup> Repealed with preceding subtitle: by point 12 Section 84 of Act CLXVI of 2011. No longer in force: as of 1. 01. 2012.

## ***ADMINISTRATIVE SUPERVISION OF LABOR SAFETY***

### *Section 81*<sup>163</sup>

(1) The promotion and supervision of the enforcement of occupational safety regulations shall be carried out by the occupational safety and health administration.

(2)<sup>164</sup>

(3) The occupational safety and health administration shall assist the employers, employees and workers' representatives, furthermore, interest representation organizations by providing information and consultation in order to advance their ability to exercise their rights and to fulfill their obligations related to occupational safety.

(4) The supervisory activities of the occupational safety and health administration shall include:

*a)*<sup>165</sup> the monitoring of compliance with the duties and obligations of employers and employees in connection with occupational safety and health, including the activities of the occupational safety and health administration concerning the implementation of occupational safety duties;

*b)* enforcement of the requirements related to the establishment of workplaces, operation of work equipment, technological processes and materials applied, and to personal protective equipment;

*c)* investigation, reporting and registration of occupational accidents, occupational diseases, and cases of extreme exposure, as well as measures taken with a view to prevention.

(5) The occupational safety and health administration shall be entitled to apply the measures and sanctions defined in this Act and in specific other legislation in the interest of eliminating the deficiencies revealed in the course of its investigation.

(6)<sup>166</sup> If the obligor fails to comply with the obligation set out in the occupational safety and health authority's definitive decision, the specific act shall be carried out by the occupational safety and health authority.

### *Section 81/A*<sup>167</sup>

(1)<sup>168</sup> The occupational safety and health authority shall carry out its supervisory activity in accordance with the control directive enacted by the minister in charge of employment and labor. The directive shall be published by the minister in charge of employment and labor on his official website each year, before the forty-fifth day preceding the control period.

(2) The control directive shall specify:

*a)* the special control and supervisory objectives for the year;

*b)* the major tasks to be carried out in conjunction with Paragraph *a)*, and their performance indicators;

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<sup>163</sup> Established: by Section 15 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>164</sup> Repealed by Section 2 of Act CCXXVI of 2015, effective as of 24 December 2015.

<sup>165</sup> Established: by Section 10 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>166</sup> Enacted by Section 27 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>167</sup> Enacted: by Section 179 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>168</sup> Established by Section 29 of Act XCIV of 2018, effective as of 1 January 2019.

c) the major activities, trades and sectors to be inspected.

## Section 82

(1)<sup>169</sup> The occupational safety and health authority shall impose occupational safety fines against the employers failing to fulfill the requirements of occupational safety and occupational health, and thereby seriously endangering the life, limb or health of workers, or upon the person or body held responsible for carrying out the obligation of coordination referred to in Subsection (2) of Section 40.

(2)<sup>170</sup> The following shall be construed serious endangerment of the life, limb or health of workers:

a) failure to comply with the requirements of commissioning under occupational safety standards as referred to in Section 21;

b) failure to effect the periodic safety inspection prescribed in Subsection (1) of Section 23;

c) failure to carry out the special inspection referred to in Subsection (2) of Section 23;

d)<sup>171</sup> failure to carry out the risk assessment prescribed under Subsection (2) of Section 54:

da) in connection with employers included in the highest hazard category as decreed by the minister in charge of employment and labor, and

db) in the cases prescribed in specific other legislations on the protection of workers potentially at risk from certain sources of danger, such as non-compliance with the obligation of estimation or evaluation of the level of exposure within the framework of risk assessment;

e)<sup>172</sup> the necessary protective equipment and personal safety equipment are inoperable or absent;

f)<sup>173</sup> failure to coordinate work procedures in compliance with the provisions set out under Subsection (2) of Section 40;

g)<sup>174</sup> failure to perform the prescribed assessment of capacities and biological monitoring of workers working at dangerous work places, operating dangerous work equipment or working in dangerous technological processes, including the jobs where workers can be exposed to the effects of certain sources of danger defined in specific other legislation and workers in sensitive risk groups;

h)<sup>175</sup> any violation of the prohibition of employment prescribed in specific other legislation;

i)<sup>176</sup> employment in an environment where workers are exposed to the effects of factors in excess of the prescribed limit without the necessary protection; and

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<sup>169</sup> Established: by paragraph (1) Section 180 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>170</sup> Enacted: by paragraph (2) Section 32 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>171</sup> Established: by Section 11 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>172</sup> Established: by Section 11 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>173</sup> Established: by Section 11 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>174</sup> Established: by Section 11 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>175</sup> Enacted: by Section 11 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>176</sup> Established by Subsection (1) of Section 16 of Act LXXIX of 2016, effective as of 8 July 2016.

j)<sup>177</sup> failure to conduct the assessments prescribed in specific other legislation where workers might be exposed to carcinogens;

k)<sup>178</sup> being understaffed at dangerous work places, and in jobs for operating dangerous work equipment or working in dangerous technological processes, below the number of workers prescribed in occupational safety regulations.

(3)<sup>179</sup> Labor safety fines amounting to between 50,000 and 10,000,000 HUF may be imposed.

(4)<sup>180</sup> The occupational safety and health administration shall levy labor safety fines on each business location of an employer if according to the findings of the inspection the endangerment defined in Subsection (1) is imminent in several business locations of the employer in violation of the same legal regulation.

(5)<sup>181</sup> Based on a recommendation by the inspector revealing the case of serious endangerment, occupational safety fines shall be imposed by the occupational safety and health authority. In determining the amount of the occupational safety fine, the occupational safety and health authority shall - in addition to the criteria set out in the Act on Penalizing Administrative Infractions - take into consideration:

a) the number of legal requirements infringed upon;

b) the foreseeable consequences of the endangerment;

c) the extent of the resulting injury or health impairment;

d) the number of workers the employer or the person or body held responsible for carrying out the obligation of coordination referred to in Subsection (2) of Section 40 employs, and their net annual turnover or balance sheet total;

e) the measure of exceeding the permissible limits of etiological factors at work; and

f) the personnel and material circumstances of any other infringement leading to the endangerment based on which the fine is levied.

(6)<sup>182</sup> The fines imposed under Subsection (1) hereof shall be paid to the treasury special appropriation account of the occupational safety and health authority.

### *Section 82/A<sup>183</sup>*

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<sup>177</sup> Enacted: by Section 11 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>178</sup> Enacted by Subsection (2) of Section 16 of Act LXXIX of 2016, effective as of 8 July 2016.

<sup>179</sup> Established: by paragraph (1) Section 20 of Act LXXVIII of 2001. In force: as of 1. 2. 2002. Numbering amended: by paragraph (2) Section 32 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>180</sup> Enacted: by paragraph (2) Section 20 of Act LXXVIII of 2001. In force: as of 1. 2. 2002. Numbering amended: by paragraph (2) Section 32 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union. Amended: by paragraph (4) Section 24 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>181</sup> Established by Subsection (1) of Section 21 of Act CLXVIII of 2020, effective as of 1 January 2021.

<sup>182</sup> Enacted: by paragraph (2) Section 3 of Act CLXVI of 2011. In force: as of 1. 01. 2012.

<sup>183</sup> Established by Section 30 of Act XCIV of 2018, effective as of 1 January 2019.

The occupational safety and health authority shall prepare a report semi-annually on the conclusions of inspections regarding the enforcement of Subsection (1) of Section 295 of the Labor Code, on the verification of compliance with occupational safety regulations and on trends relating to accidents at work for the minister in charge of employment and labor. The Minister shall publish the report electronically, within sixty days of the reference period. The report defined in Paragraph e) of Subsection (1) of Section 14 shall address the conclusions of the report.

*Section 82/B<sup>184</sup>*

*Section 82/C<sup>185</sup>*

(1)<sup>186</sup>

(2)<sup>187</sup> Employers may not request an inspection by the occupational safety and health authority against themselves.

(3)<sup>188</sup>

(4)-(5)<sup>189</sup>

*Section 82/D<sup>190</sup>*

(1) The occupational safety and health authority shall impose an administrative penalty upon a natural person who, within the framework of organized employment:

a) breaches the regulations relating to healthier and safer workplaces, including the monitoring thereof, or failed to uphold such regulations when acting within his delegated function;

b)<sup>191</sup> fails to comply with the obligation of registration, investigation, documentation and reporting of an accident at work, harmful exposure in due time, or provides any information that is untrue or false, or conceals the true reason of the accident, harmful exposure or obstructs the investigation;

c)<sup>192</sup> fails to comply with the obligation of data disclosure regarding cases of occupational disease, supplies any data that is false or untrue or conceals the true reason, or obstructs the investigation of cases of occupational disease; or

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<sup>184</sup> Repealed by Paragraph a) of Section 24 of Act LXXIX of 2016, effective as of 8 July 2016.

<sup>185</sup> Enacted: by Section 28 of Act LXXXIII of 2005. In force: as of 1. 11. 2005.

<sup>186</sup> Repealed by Paragraph a) of Section 56 of Act L of 2017, effective as of 1 January 2018.

<sup>187</sup> Established: by paragraph (6) Section 3 of Act CLXXIX of 2013. In force: as of 1. 12. 2013.

<sup>188</sup> Repealed by Paragraph a) of Section 56 of Act L of 2017, effective as of 1 January 2018.

<sup>189</sup> Repealed: by Section 81 of Act LVI of 2009. No longer in force: as of 1. 10. 2009.

<sup>190</sup> Enacted by Section 17 of Act LXXIX of 2016, effective as of 8 July 2016.

<sup>191</sup> Established by Subsection (5) of Section 15 of Act CX of 2019, effective as of 1 January 2020.

<sup>192</sup> Established by Subsection (5) of Section 15 of Act CX of 2019, effective as of 1 January 2020.



*d*)<sup>193</sup> breaches, in his capacity as the employer's representative, the rules for the election of workers' representative for occupational safety, prevents the workers' representative from effectively exercising his rights afforded under occupational safety regulations, or takes any detrimental action against the workers' representative for exercising his rights.

(2)<sup>194</sup> The administrative fine referred to in Subsection (1) may be imposed in an amount up to five hundred thousand forints. The administrative fine may be imposed repeatedly in the same proceedings, for any repeated conduct of the same infringement or for another infringement.

(3)<sup>195</sup> With the exception of procedures falling within the competence and responsibility of the minister in charge of defense, for the infringements provided for in Paragraph *a*) of Subsection (1) no warning may be issued as an administrative sanction.

(4)<sup>196</sup> In the event of an infringement specified in Subsection (1) the occupational safety and health authority may impose an administrative fine in the form of an instant fine.

### *Section 83*<sup>197</sup>

(1)<sup>198</sup> Where an occupational safety expert is required by this Act or a decree adopted under authorization by this Act, or where certain legal consequences are prescribed relating to the employment of an expert, with the exception of a forensic expert authorized to perform the activities specified in the Act on the Activities of Forensic Experts, a person authorized by the regional chamber of engineers governed by the Act on the Professional Associations of Design and Consulting Engineers and Architects (hereinafter referred to as "Chamber") shall function as an expert, and the aforesaid legal consequences decreed shall apply only to the employment of an expert who meets the other requirements set out therein.

(2)<sup>199</sup> The pursuit of the activities referred to in Subsection (1) shall be authorized by the Chamber to a person who has no prior criminal record, who is not restrained by court order from practicing the profession of occupational safety expert, and has the professional qualifications and other credentials prescribed in the relevant government decree adopted under authorization by this Act.

(3)<sup>200</sup> The Chamber shall maintain a register of the persons authorized to engage in the expert activities for the purpose of accessing the activities of occupational safety experts provided for in Subsection (1).

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<sup>193</sup> Established by Section 31 of Act XCIV of 2018, effective as of 1 January 2019.

<sup>194</sup> Amended by Section 23 of Act CLXVIII of 2020.

<sup>195</sup> Enacted by Subsection (2) of Section 21 of Act CLXVIII of 2020, effective as of 1 January 2021.

<sup>196</sup> Enacted by Subsection (2) of Section 21 of Act CLXVIII of 2020, effective as of 1 January 2021.

<sup>197</sup> Established: by paragraph (2) Section 79 of Act LVI of 2009. In force: as of 1. 10. 2009. Shall apply to proceedings opened subsequently and to reopened cases.

<sup>198</sup> Amended by Paragraph b) of Section 32 of Act CXXVI of 2019.

<sup>199</sup> Established by Subsection (1) of Section 27 of Act CXLIX of 2009. Amended by Paragraph c) of Section 32 of Act CXXVI of 2019.

<sup>200</sup> Established by Subsection (1) of Section 28 of Act CXXVI of 2019, effective as of 1 January 2020.

(4)<sup>201</sup> The register referred to in Subsection (3) shall be construed as an official public register as regards the public data defined by the Act on the General Provisions Relating to the Taking Up and Pursuit of the Business of Service Activities.

(5)<sup>202</sup> The register specified in Subsection (3) shall contain:

- a) the name of the occupational safety expert;
- b) the occupational safety expert's home address, telephone number, e-mail address;
- c) a description of the authorized service activity;
- d) the number of the authorization and the spatial and temporal limitation set out in the authorization for the taking up and pursuit of the activity;
- e) date of issue of the authorization;
- f) an indication if the expert's activities are suspended, and the duration of suspension;
- g) the applicant's mother's name and date and place of birth, and educational data.

(6)<sup>203</sup> The data referred to in Paragraphs a), c)-f) of Subsection (5) are construed as information of public interest, and as such shall be published by the Chamber on its website.

(7)<sup>204</sup> In the event of the applicant's consent given in the application, the Chamber shall publish the data referred to in Paragraphs b) and g) of Subsection (5) as well.

(8)<sup>205</sup> The Chamber shall remove the data of the occupational safety expert from the website

a) on the day following the withdrawal of the authorization to perform the expert activity, or

b) on the day following the day of receipt of notice of the expert's death.

(9)<sup>206</sup> The Chamber shall without delay remove the data referred to in Paragraphs b) and g) of Subsection (5) if the consent mentioned in Subsection (7) is withdrawn, at the latest on the working day next of the day of withdrawal, from the website and from the register as well.

(10)<sup>207</sup> The Chamber shall delete the data contained in the register after five years following the date of withdrawal of the authorization or the date of death of the expert.

### *Section 83/A<sup>208</sup>*

(1) The occupational safety and health administration shall maintain a register with a view to minimizing the risks related to exposure to carcinogens at work so as to guarantee a better standard of health and safety as regards the protection of workers from cancerous diseases.

(2) The register shall contain the particulars of employers and workers, where the workers are exposed to carcinogens at work within the framework of organized employment. The register shall indicate:

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<sup>201</sup> Enacted: by paragraph (1) Section 9 of Act LXXXIV of 2013. In force: as of 1. 07. 2013.

<sup>202</sup> Enacted by Subsection (2) of Section 28 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>203</sup> Enacted by Subsection (2) of Section 28 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>204</sup> Enacted by Subsection (2) of Section 28 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>205</sup> Enacted by Subsection (2) of Section 28 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>206</sup> Enacted by Subsection (2) of Section 28 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>207</sup> Enacted by Subsection (2) of Section 28 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>208</sup> Established: by Section 47 of Act CXXVI of 2009. In force: as of 28. 11. 2009.

a) the employer's name, fixed establishment, classification by sector or class,  
b) the worker's birth year, social security identification number, occupation, and the number of years spent in the job subject to exposure.

(3) The occupational safety and health administration shall be authorized to process the data referred to in Subsection (2), and shall be entitled to request information from workers.

(4)<sup>209</sup> The occupational safety and health administration shall disclose the data and information referred to in Subsection (2) to the occupational hygiene and occupational health agency for the protection of workers from the risks related to exposure to carcinogens at work and from the related health impairment. The aforesaid body shall erase these data after fifty years from the time of receipt.

(5) The occupational safety and health administration shall erase data from the register after fifty years from the time of receipt of the employer's notice.

### *Section 83/B<sup>210</sup>*

(1)<sup>211</sup> The occupational safety and health administration shall maintain an official register with a view to be able to verify employers' compliance with occupational safety regulations in connection with proceedings before other bodies conducted in accordance with specific other legislation. The above-specified official register shall contain the particulars of employers sanctioned and upon whom the competent authority has imposed occupational safety fines by definitive decision, or by way of administrative decision adjudged by final court ruling in the case of administrative actions, for any breach of occupational safety regulations.

(2)<sup>212</sup> The register shall contain:

a) the employer's name, registered office, tax number, and if the employer is a natural person with no tax number, the name, home address and tax identification code of this person;

b)<sup>213</sup> the following details of the decision establishing the infringement:

ba) date,

bb) number, and

bc) the date when it became definitive and enforceable;

c) a description of the infringement;

d) the amount of the occupational safety fine;

e) in the case of administrative actions, the date and number of the final court ruling, the date when it became final, indicating also the court's decision.

(2a)<sup>214</sup> The register referred to in Subsection (1) shall be construed as an official public register, with the exception of the data under Paragraph a) and Subparagraph bb) of Paragraph b) of Subsection (2).

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<sup>209</sup> Amended: by subparagraph h) Section 185 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>210</sup> Enacted: by Section 19 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>211</sup> Established by Subsection (1) of Section 54 of Act L of 2017, effective as of 1 January 2018.

<sup>212</sup> Established by Subsection (1) of Section 54 of Act L of 2017, effective as of 1 January 2018.

<sup>213</sup> Established by Subsection (1) of Section 22 of Act CLXVIII of 2020, effective as of 1 January 2021.

<sup>214</sup> Established by Subsection (2) of Section 22 of Act CLXVIII of 2020, effective as of 1 January 2021.

(3)<sup>215</sup> The occupational safety and health administration shall process the data contained in the official register in its information technology system. The occupational safety and health administration shall enter the data referred to in Subsection (2) into the database on the day when the resolution declaring the infringement becomes definitive, or if the resolution is contested by way of administrative action, when the court's decision becomes final.

(4)<sup>216</sup> The occupational safety and health authority shall erase the data contained in the register, or published on its website after two years from the date when the resolution on the basis of which it was recorded becomes definitive and executable, or from the date when the court ruling becomes final in the case of an administrative action.

(5)<sup>217</sup> The occupational safety and health authority shall display on its website - based on its records - the name, registered office and tax number of employers, or the name, home address and tax identification code of natural persons with no tax number, sanctioned by occupational safety fine for any breach of occupational safety regulations, including the description of the infringement and the amount of the fine imposed, the date and number of the resolution establishing the infringement, and the date when the resolution on the infringement becomes definitive and executable. In the case of administrative actions the authority shall make public the data referred to in Paragraph *e*) of Subsection (2) if the court dismissed the action or reversed the administrative decision, by way of posting such data on its website.

(6)<sup>218</sup> Where the employer meets the obligation prescribed by a definitive decision or by a final court ruling adopted upon the judicial review of an administrative decision within the prescribed time limit or by the prescribed deadline, it shall have no bearing on the obligation of the occupational safety and health administration conferred under Subsection (2) relating to records and under Subsection (5) relating to publication.

(7)<sup>219</sup> If the resolution is contested by way of administrative action, the occupational safety and health authority shall:<sup>220</sup>

*a*) publish the data referred to in Subsection (2) taking into account the decision conveyed in the final and executable court ruling,

*b*) take measures for having the data referred to in Subsection (5) - if already published - removed from the website.

(8)<sup>221</sup> Data may be disclosed from the official register free of charge, in a form enabling individual identification, to the Központi Statisztikai Hivatal (*Central Statistics Office*) for

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<sup>215</sup> Amended by Paragraph a) of Section 55 of Act L of 2017.

<sup>216</sup> Established: by paragraph (8) Section 3 of Act CLXXIX of 2013. Amended by Paragraph b) of Section 55 of Act L of 2017.

<sup>217</sup> Established by paragraph (3) Section 30 of Act LXXXVI of 2012. Amended by Paragraph c) of Section 55 of Act L of 2017.

<sup>218</sup> Enacted by Section 48 of Act CXXVI of 2009. Amended by Paragraph d) of Section 55 of Act L of 2017.

<sup>219</sup> Enacted: by paragraph (4) Section 30 of Act LXXXVI of 2012. In force: as of 1. 07. 2012.

<sup>220</sup> Amended by Paragraph e) of Section 55 of Act L of 2017.

<sup>221</sup> Established by Section 10 of Act CXLV of 2016, effective as of 1 January 2017.

statistical use, and to the minister in charge of public employment for the purpose of research in a form disabling individual identification.

### *Section 83/C<sup>222</sup>*

(1)<sup>223</sup> The occupational safety and health authority and the designated supervisory body shall have the right to review and process the identification and medical data of the workers affected for the reasons and to the extent necessary, as prescribed in the Act on the Processing and Protection of Personal Data in the Field of Medicine, as well as to inspect the files of workers affected by the authority's proceedings - in particular the investigation and registration of accidents at work, occupational diseases and cases of harmful exposure - respectively for the purpose of regulatory proceedings or for carrying out its tasks, and to request access to such files, to make copies of them, and to request the employer and the employee affected to provide the information requested.

(2)<sup>224</sup> The occupational safety and health administration shall process the data referred to in Subsection (1) in its information technology system, and shall erase them after two years after the decision adopted in conclusion of proceedings becomes definitive.

### *Section 83/D<sup>225</sup>*

(1) The time limit for occupational safety inspections shall be forty-five days in connection with:

- a) accidents at work, occupational diseases and cases of harmful exposure;
- b) having an accident declared an accident at work;
- c) having an employment-related relationship between the employer and a person working at the work place declared as organized employment.

(2) The time limit for occupational safety inspections shall be thirty days in cases not covered by Subsection (1).

(3) The administrative time limit for the own motion proceedings of the occupational safety and health authority shall be sixty days.

### *Section 83/E<sup>226</sup>*

With respect to the authorities having a role in occupational safety inspection, the minister responsible for the labor sector shall function in a supervisory capacity.

## *Section 84*

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<sup>222</sup> Enacted: by Section 12 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>223</sup> Established by Section 11 of Act CXLV of 2016, effective as of 1 January 2017.

<sup>224</sup> Amended by Paragraph f) of Section 55 of Act L of 2017.

<sup>225</sup> Established by Subsection (2) of Section 54 of Act L of 2017, effective as of 1 January 2018.

<sup>226</sup> Established by Subsection (3) of Section 54 of Act L of 2017, effective as of 1 January 2018.

- (1)<sup>227</sup> The occupational safety and health authority shall be empowered:
- a)<sup>228</sup>
  - b)<sup>229</sup> to hold inspections at any workplaces, without a special permit;
  - c) to investigate occupational accidents, with the exception of those related to public road transportation, and cases of harmful exposure without prejudice to the employers' responsibility;
  - d) to instruct employers to satisfy the requirements of occupational safety and health;
  - e) to order employers to eliminate any deficiencies uncovered, within the prescribed deadline;
  - f) to prohibit employees from working under conditions which are in serious violation of the regulations pertaining to occupational safety and health;
  - g)<sup>230</sup> to order the suspension of hazardous activities, and/or the operation and use of operating divisions, sections of operating divisions and work equipment, and the use of any dangerous substances and mixtures in the event of any imminent danger threatening the health and physical integrity of employees, or in connection with employment in an environment where workers are exposed to the effects of factors in excess of the prescribed limit or with risks related to exposure to carcinogens, mutagens or teratogenic substances at work, until such hazard is eliminated, and also in connection with the use of inadequate protective equipment;
  - h) to order the investigation provided for in Subsection (2) of Section 23;
  - i) to declare an accident as an occupational accident, and to order an investigation regarding the reporting or investigation of an occupational accident, if the reporting or investigation was neglected, or was not performed in accordance with the relevant legislation, or if the employer unlawfully fails to treat an accident as an occupational accident;
  - j) to suspend the operation and use of work equipment and personal protective equipment if the document defined in Subsections (3)-(4) of Section 18 is not provided;
  - k) to order employers to report at certain intervals the average statistical number of employees working night shifts, their work schedule and other information - specified by resolution - concerning the conditions of night work, as well as any changes in the data and information already reported;
  - l) to request information from the persons present, to the extent required for the inspection, and to request such persons to identify themselves;
  - m) to request police assistance in the event of any attempt made to prevent the inspection;
  - n) to order the inspection of occupational hygiene.
- (2)<sup>231</sup> With the exception of traffic-related accidents at work, the occupational safety and health authority shall investigate reported serious accidents at work, occupational diseases, without prejudice to the responsibility of employers.

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<sup>227</sup> Established by Subsection (1) of Section 2 of Act VIII of 2015, effective as of 1 April 2015.

<sup>228</sup> Repealed by Paragraph b) of Section 56 of Act L of 2017, effective as of 1 January 2018.

<sup>229</sup> Established by Subsection (2) of Section 20 of Act CLXXXVI of 2015, effective as of 1 January 2016.

<sup>230</sup> Amended by Paragraph b) of Section 24 of Act LXXIX of 2016.

<sup>231</sup> Established by Subsection (1) of Section 19 of Act LXXIX of 2016. Amended by Paragraph a) of Subsection (7) of Section 15 of Act CX of 2019.

(3)<sup>232</sup> The occupational safety and health authority shall be authorized - with a view to ensuring the safety and health of workers and to the prevention of accidents at work - to order the execution of their decisions as described in Paragraphs *f*, *g* and *j*) of Subsection (1) effective immediately.

(4)<sup>233</sup> Based on the facts stated, the occupational safety and health authority shall have powers to declare an employment-related legal relationship between the employer and a person working at the work place, in effect at the time of opening the inspection or - in the case of an accident - at the time of occurrence of the accident, as organized employment. For this action the employer in question shall make available all evidence to verify that the work that was performed on its behalf should not be treated as organized employment (Point 9 of Section 87).

(5)<sup>234</sup> In connection with any workplace where the employees of several different employers are working at the same time, and if any one employer cannot be identified for the purpose of an occupational inspection, within the meaning of Subsection (4) the supervisor who is in fact controlling operations at the workplace in question shall be recognized as the employer of the workers affected, pending proof to the contrary, or in the absence thereof, the person who is mainly responsible for the workplace in question, or if there is no such person, the party on whose property the work is performed.

(6)<sup>235</sup> The occupational safety and health authority shall give a copy of the report made during its site inspection to the employer, and shall give a copy of a memorandum drawn up by the occupational safety and health authority in the employer's absence to the person attending on the employer's behalf.

(7)<sup>236</sup> Any request for data disclosure made by the occupational safety and health authority during the site inspection shall be recorded in the report.

(8)<sup>237</sup> Documents to be made available within the framework of data disclosure obligation may not be submitted in copies.

(9)<sup>238</sup> If the data supplied by the employer within the framework of data disclosure obligation does not conform with the request, the occupational safety and health authority shall adopt a decision based on the information in its possession.

(10)<sup>239</sup> In proceedings of the occupational safety and health authority the mode of communication shall be decided by the authority.

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<sup>232</sup> Established by paragraph (2) Section 30 of Act LXXXIII of 2005. Amended by Section 80 of Act LVI of 2009, Subsection (2) of Section 2 of Act VIII of 2015, Paragraph *g*) of Section 55 of Act L of 2017.

<sup>233</sup> Established by paragraph (3) Section 20 of Act CXXIX of 2006. Amended by Section 186 of Act CXCI of 2011, Subsection (2) of Section 2 of Act VIII of 2015.

<sup>234</sup> Established by Subsection (2) of Section 19 of Act LXXIX of 2016, effective as of 8 July 2016.

<sup>235</sup> Enacted by Subsection (4) of Section 54 of Act L of 2017, effective as of 1 January 2018.

<sup>236</sup> Enacted by Subsection (4) of Section 54 of Act L of 2017, effective as of 1 January 2018.

<sup>237</sup> Enacted by Subsection (4) of Section 54 of Act L of 2017, effective as of 1 January 2018.

<sup>238</sup> Enacted by Subsection (4) of Section 54 of Act L of 2017, effective as of 1 January 2018.

<sup>239</sup> Enacted by Subsection (4) of Section 54 of Act L of 2017, effective as of 1 January 2018.

*Section 85<sup>240</sup>*

*Section 86<sup>241</sup>*

(1) The administrative competence of the occupational safety and health administration shall not include:

*a)* the supervision of radiological hygiene duties, described in specific other legislation, related to radiological protection and the use of atomic energy, and monitoring compliance with the provisions relating to non-ionizing radiation and electromagnetic fields;

*b)*<sup>242</sup> monitoring the implementation of duties relating to chemical safety, with the exception of the tasks concerning the protection of the health and safety of workers exposed to risks related to dangerous substances and dangerous mixtures, and monitoring compliance with the relevant regulations;

*c)* monitoring compliance with the provisions relating to the protection of non-smokers;

*d)* the administrative matters falling under the competence of the mining authority with the exception of duties related to health at work; furthermore

*e)*<sup>243</sup> defense organizations, vocational training institutions - other than military organizations - maintained and supervised by the minister in charge of defense, bodies engaged in organized employment for reasons of national defense on land controlled and managed by the ministry of the minister in charge of defense or used by a defense organization under any other title, to labor activities carried out within the framework of organized employment at business associations designated by means of a decree under the Act on Home Defense and on the Hungarian Armed Forces, and on Measures to be Introduced Under Particular Legal Order falling within the regulatory authority of the minister in charge of defense, furthermore, law enforcement agencies, the Parliament Guard and municipal fire brigades.

(2) As regards the bodies mentioned in Paragraph *e)* of Subsection (1), occupational safety regulatory and control activities shall be governed in specific other legislation.

(3)<sup>244</sup> In proceedings of the body designated by government decree tasked to perform regulatory functions relating to occupational safety with respect to law enforcement agencies, the Parliament Guard and municipal fire brigades:

*a)* applications may not be submitted at one-stop government windows;

*b)* the client's statement shall not be admissible as a substitute for any unavailable evidence.

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<sup>240</sup> Repealed by Paragraph b) of Subsection (7) of Section 15 of Act CX of 2019, effective as of 1 March 2020.

<sup>241</sup> Established: by Section 14 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>242</sup> Established: by paragraph (1) Section 182 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>243</sup> Established by Section 5 of Act CXLI of 2021, effective as of 1 January 2022.

<sup>244</sup> Enacted by Subsection (5) of Section 54 of Act L of 2017. Amended by Paragraph c) of Subsection (6) of Section 15 of Act CX of 2019.



## *Chapter VII/A<sup>245</sup>*

### **SPECIAL OCCUPATIONAL SAFETY REGULATIONS PERTAINING TO TELEWORKING<sup>246</sup>**

#### *Section 86/A<sup>247</sup>*

(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<sup>248</sup>*

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 Paragraph *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<sup>249</sup>*

(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.

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<sup>245</sup> Established by Section 52 of Act CXXX of 2021, effective as of 1 June 2022.

<sup>246</sup> Established by Section 52 of Act CXXX of 2021, effective as of 1 June 2022.

<sup>247</sup> Established by Section 52 of Act CXXX of 2021, effective as of 1 June 2022.

<sup>248</sup> Enacted by Section 52 of Act CXXX of 2021, effective as of 1 June 2022.

<sup>249</sup> Enacted by Section 52 of Act CXXX of 2021, effective as of 1 June 2022.

(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.

## *Chapter VIII.*

### ***INTERPRETATIVE PROVISIONS***

#### *Section 87*

For the purposes of this Act

1.<sup>250</sup> Relocation: shall mean the transfer of work equipment that was previously commissioned in due compliance with labor safety requirements if it constitutes substantial changes in terms of the commissioning and operation of the equipment.

1/A.<sup>251</sup> Accident: a one-time external effect on the human body which occurs irrespective of the will of the injured person, suddenly or within a relatively short time, and causes injury, poisoning or any other (physical or mental) health damage, or death.

1/B.<sup>252</sup> 'CE declaration of conformity for personal protective equipment' shall mean a written declaration made by the manufacturer guaranteeing that the protective equipment in question is in conformity with the model and the provisions set out in specific other legislation on the requirements and certification of personal protective equipment.

1/C.<sup>253</sup> 'CE type-certificate for personal protective equipment' shall mean a document issued by a notified body specified in the Act on the Activities of Conformity Assessment Bodies to verify

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<sup>250</sup> Enacted: by paragraph (1) Section 44 of Act LIII of 2002. In force: as of 01. 01. 2003.

<sup>251</sup> Numbering amended: by paragraph (1) Section 44 of Act LIII of 2002.

<sup>252</sup> Enacted by paragraph (1) Section 22 of Act CXXIX of 2006. Amended by Paragraph f) of Section 23 of Act LXXIX of 2016.

<sup>253</sup> Enacted by paragraph (1) Section 22 of Act CXXIX of 2006. Amended by paragraph (1) Section 12 of Act CXXXIII of 2009, Paragraph g) of Section 23 of Act LXXIX of 2016.

that the protective equipment is in conformity with the provisions set out in specific other legislation on the requirements and certification of personal protective equipment according to the CE type-examination performed on a specimen of the equipment.

1/D.<sup>254</sup> 'Occupational disease' shall mean any acute and chronic disease contracted at work or while engaged in an occupation, or any chronic disease diagnosed following the performance of work that:

*a)* is closely related to work or occupation, and that may be attributed to physical, chemical and biological factors, psychological stress or ergonomic considerations arising at work or during the work process;

*b)* is attributed to the degree of engagement of the worker if greater or lesser than normal.

1/E.<sup>255</sup> 'Harmful exposure' shall mean any concentration in the worker's body above the biological limit in the case of biological exposure at work provided for in the decree on the protection of the health and safety of workers from the risks related to exposure to chemical factors at work relating to expected biological exposure indices during the performance of work or while engaged in an occupation, and in connection with noise, a 30 dB hearing impairment at 4000 Hz in both ears.

1/F.<sup>256</sup> 'Risk' shall mean the combined effect of the probability and gravity of physical or health injury in an emergency situation.

1/G.<sup>257</sup> 'Road transport' shall mean movement by means of water or air transport, by rail or road, including underground or surface transportation systems.

1/H.<sup>258</sup> '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.

1/I.<sup>259</sup> 'personal protective equipment EU declaration of conformity' shall mean a written declaration made by the manufacturer guaranteeing that the protective equipment in question is in conformity with the model and the provisions set out in Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC.

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<sup>254</sup> Enacted: by paragraph (1) Section 22 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>255</sup> Established by Subsection (1) of Section 20 of Act LXXIX of 2016. Amended by Paragraph b) of Section 31 of Act CXXVI of 2019.

<sup>256</sup> Established: by paragraph (1) Section 33 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union. Numbering amended: by paragraph (1) Section 22 of Act CXXIX of 2006. In force: as of 01. 01. 2007.

<sup>257</sup> Established by Section 33 of Act XCIV of 2018, effective as of 1 January 2019.

<sup>258</sup> Enacted: by paragraph (1) Section 15 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>259</sup> Enacted by Section 12 of Act CXLV of 2016, effective as of 1 January 2017.

1/J.<sup>260</sup> ‘personal protective equipment EU type examination certificate’ shall mean a document issued by a notified body specified in the Act on the Activities of Conformity Assessment Bodies to verify that based on the EU type examination of the sample the protective equipment is in conformity with the provisions set out in Regulation 2016/425/EU of the European Parliament and of the Council.

2. Construction: the process as a result of which a new plant or workplace is created, or existing plants or workplaces are renovated, expanded, reconstructed, and/or a machine is installed, irrespective of whether such will be used for production or non-production purposes upon being created.

2/A.<sup>261</sup> Prevention: shall mean measures taken or planned by the employer in any phase of the employer’s activities, aimed at averting or reducing work related risks.

3.<sup>262</sup> Industrial accident: an accident suffered by an employee in the course of or in connection with organized employment, irrespective of its place and date, and the extent of contributory responsibility of the employee (injured party).

An accident suffered by an employee in the course of transportation, material purchase, material handling, cleaning, organized provision of meals, occupational health service and any other services of the like which are provided by the employer in connection with the work performed within the field of employment shall be construed as having occurred in connection with the performance of work.

An accident suffered by an employee while commuting from his place of residence (domicile) to the place of work, or from the place of work to his place of residence (domicile) shall not be construed as having occurred in connection with the performance of work (industrial accidents), except if the accident involved a vehicle owned by the employer, or that is in the employer’s use under lease or other contract, or other agreement.

Mining accident: shall mean an accident which occurred at any employer in the course of mining activities supervised by the mining authority.<sup>263</sup>

An industrial accident (mining accident) shall be considered serious if

a)<sup>264</sup> it results in the death of the injured party (an accident as a result of which the injured person dies within one year as established in the medical expert report shall also be considered a fatal occupational accident), death of a woman’s fetus or newborn baby, or resulted in a permanent handicap depriving the person of an independent life;

b)<sup>265</sup> resulted in the loss of any sense organ or perceptivity, and in the loss or significant damage to the ability to reproduce;

c) caused a critical injury, or any serious damage to health according to a medical report;

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<sup>260</sup> Established by Subsection (1) of Section 29 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>261</sup> Enacted: by paragraph (1) Section 22 of Act LXXVIII of 2001. In force: as of 1. 2. 2002.

<sup>262</sup> Amended by Paragraph d) of Section 34 of Act XCIV of 2018.

<sup>263</sup> Amended: by subparagraph i) Section 185 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>264</sup> Established: by paragraph (2) Section 33 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>265</sup> Established: by paragraph (2) Section 15 of Act CLXI of 2007. In force: as of 01. 01. 2008.

d)<sup>266</sup> resulted in the loss of the major part of a thumb or arm, other limb, or two or more toes, including more serious cases of mutilation, and/or;

e) resulted in the loss of speech, or in conspicuous disfiguration, paralysis, and/or mental disorder.

4. Work equipment: all machines, appliances, instruments or equipment used in the course of or in connection with the performance of the work (with the exception of personal safety equipment).

5.<sup>267</sup> Workplace: shall mean all outdoor or confined spaces (including underground facilities and vehicles) where employees are situated for the purpose of or in connection with the performance of work. The place of work of a private entrepreneur (also if operating within the framework of a sole proprietorship) who performs all work by himself and who does not employ any other persons shall also be construed as a workplace within the meaning of Subsection (2) of Section 9 of this Act.

5/A.<sup>268</sup> 'Inspection of occupational hygiene' shall mean the procedure to determine the etiological factors that might be present in a work environment (physical, chemical and biological factors, psychosocial stress and ergonomic considerations), to assess the level or degree of these effects, and to obtain a quantitative estimate of any physical or mental strain to which the workers may be exposed, furthermore, tests to obtain results to support any recommendation to control (reduce) any harmful effects from work or from the working environment.

5/B.<sup>269</sup> 'Unfit for work' shall mean a worker who is incapacitated to work due to a condition resulting from an accident or health injury and requiring medical treatment, regardless of whether he is eligible for sick pay or not.

6. Employee: a person who performs work within the framework of organized employment.

6/A.<sup>270</sup> 'Workers' representative' shall mean a person delegated by the workers to represent their rights and interests in dealings with the employer concerning occupational safety and occupational health.

7. Commissioning according to labor safety standards: the labor safety procedure allowing the operator to establish that the facility, workplace, technological process or work equipment conforms with the requirements of occupational safety, and orders the operation thereof.

8.<sup>271</sup> 'Employer' shall mean the entity who hires employees for organized employment. An employer providing employment to a hired-out employee by way of a placement agency, employers of persons working on assignment, employers providing hands-on vocational training and any

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<sup>266</sup> Established by Subsection (2) of Section 20 of Act LXXIX of 2016, effective as of 8 July 2016.

<sup>267</sup> Established: by paragraph (2) Section 44 of Act LIII of 2002. In force: as of 01. 01. 2003. Amended: by paragraph (1) Section 54 of Act CXV of 2009. In force: as of 1. 01. 2010.

<sup>268</sup> Enacted: by paragraph (3) Section 15 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>269</sup> Enacted: by paragraph (3) Section 33 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union. Numbering amended: by paragraph (3) Section 15 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>270</sup> Enacted: by paragraph (4) Section 33 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>271</sup> Established: by paragraph (4) Section 15 of Act CLXI of 2007. In force: as of 01. 01. 2008. Amended: by paragraph (2) Section 54 of Act CXV of 2009. In force: as of 1. 01. 2010.

private entrepreneur (also if operating within the framework of a sole proprietorship) who does not employ others and performs his work solely by himself shall also be construed an employer with regard to the provisions on the protection of persons inside the proximity of the area where the work is performed [Subsection (2) of Section 9]. With respect to community work, the organizers of the community work shall be considered employers. As regards nonresident employers with no Hungarian tax number, ‘employer’ means the person or body, who (that) exercises effective control, or bears the ultimate responsibility for the work place, or failing these, the person on whose property the work is performed.

8/A.<sup>272</sup> ‘Sensitive risk group’ shall mean workers with special physical or mental characteristics who are thereby exposed to increased risks and dangers which specifically affect them at work, and who themselves represent an extra risk factor in their employment (e.g. young people, pregnant women or women who have recently given birth, women providing mother’s milk and breastfeeding mothers, elderly people, workers with any degree of incapacity).

9.<sup>273</sup> ‘Organized employment’ shall mean work performed in an employment relationship - not including any work performed in the households of natural persons as employers of domestic personnel within the framework of simplified employment -, in public benefit employment, in government service, political service, commissioner’s, public service relationship, civil service relationship, healthcare service relationship, service relationship with the tax and customs authority, service relationship of professional and commissioned members, service relationship of administrative staff of law enforcement bodies, legal relationship of army civilian personnel, under service relationship of judges, law enforcement employees and public prosecutors, in quasi-employment relationship in the case of cooperative membership, in the framework of direct participation on the basis of social cooperative membership, in the framework of direct participation in a school cooperative, association of parents staying with young children at home and general interest association of pensioners on the basis of membership agreement relating to external services, in the framework of vocationally oriented education in specialized vocational institutions, and/or dual learning institutes as well as practical training on the basis of a contract, work performed by inmates or by persons in detainment on other grounds, community service work ordered in misdemeanor and criminal proceedings, at law enforcement agencies, the Parliament Guard and municipal fire brigades, work performed in their service relationship, volunteer activities under the Act on Voluntary Activities of Public Concern, as well as social work organized (initiated, managed or approved) by the employer.

9/A.<sup>274</sup> ‘Business location’ shall mean a place of operations (work place) other than the employer’s home office, including branches.

9/B.<sup>275</sup> ‘Work performed in the households of natural persons as employers of domestic personnel’ shall mean an employment relationship established with a view to providing for the everyday needs of the employer and his family and relatives living in the employer’s household.

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<sup>272</sup> Enacted: by paragraph (5) Section 33 of Act XI of 2004. Shall enter into force simultaneously with the Act promulgating the treaty on the accession of the Republic of Hungary to the European Union.

<sup>273</sup> Established by Section 6 of Act CXLI of 2021. Amended by Section 25 of Act V of 2022.

<sup>274</sup> Enacted: by paragraph (2) Section 22 of Act LXXVIII of 2001. In force: as of 1. 2. 2002.

<sup>275</sup> Enacted: by paragraph (2) Section 183 of Act CXCI of 2011. In force: as of 1. 01. 2012.

10. Restart: the procedure of re-initiating the operation of a piece of work equipment or a technological process that has already been commissioned once before for labor safety purposes, and which have not been used for more than 30 consecutive days for technical reasons, or was dismantled for overhaul.

11.<sup>276</sup> 'Dangerous' shall mean any facility, piece of work equipment, material/mixtures, work procedure or technological process (including the activities where workers can be exposed to physical, chemical and biological factors), that is deemed to be harmful to the health and safety of workers in the absence of appropriate protection.

12.<sup>277</sup> 'Dangerous substance' shall mean:

a) substances classified by Regulation 1272/2008/EC of the European Parliament and of the Council as dangerous on the basis of physical and/or health hazards, or both, or

b) any chemical agent which, whilst not meeting the criteria for classification as dangerous in accordance with Paragraph a), may, because of its physico-chemical, chemical or toxicological properties and the way it is used or is present in the workplace, present a risk to the safety and health of workers, including any chemical agent assigned an occupational exposure limit value under on the decree on the protection of the health and safety of workers from the risks related to exposure to chemical factors at work.

12/A.<sup>278</sup> 'Dangerous mixture' shall mean a mixture or solution composed of one or more dangerous substances, classified as dangerous on the basis of physical and/or health hazards, or both.

13. Source of hazard: all factors appearing in the course of or in connection with the performance of work, which may have hazardous or harmful effects on the workers or other personnel in the area of the performance of work.

Sources of hazard may be, particularly:

- physical sources of danger, such as
  - = work equipment, vehicles, transportation and material handling equipment, the components thereof, and/or the movement of such, as well as the movement of products and materials,
  - = disruption of the balance of structures,
  - = slippery surfaces,
  - = sharp, burred and uneven surfaces, edges and corners,
  - = temperature of objects,
  - = location of the workplace in comparison to the ground (floor) level,
  - = level differences,
  - = state of weightlessness,
  - = pressure, temperature, humidity, ionization and flow of air,
  - = noise, vibration, infra-acoustic sound and ultrasound,
  - = lighting,
  - = electromagnetic radiation or space,
  - = particle radiation,
  - = electric circuit voltage or static voltage,

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<sup>276</sup> Established: by paragraph (5) Section 15 of Act CLXI of 2007. In force: as of 01. 01. 2008. Amended on the base: of subparagraph d) paragraph (10) Section 3 of Act CLXXIX of 2013. In force: as of 1. 12. 2013.

<sup>277</sup> Established by Subsection (2) of Section 29 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>278</sup> Enacted by Subsection (3) of Section 29 of Act CXXVI of 2019, effective as of 1 January 2020.

- = aerosols and dust in the air,
- hazardous material (see Point 12)
- biological source of hazard, including
- = microorganisms and their metabolic by-products,
- = macroorganisms (plants, animals),
- physiological, neurological and psychological stress.

14.<sup>279</sup> ‘Employers’ representative bodies’ shall mean the national employers’ organizations covered by the Act on the Nemzeti Gazdasági és Társadalmi Tanács (*National Economic and Social Council*), including the associations of such representative bodies.

15.<sup>280</sup> ‘Workers’ representative bodies’ shall mean the workers’ organizations covered by the Act on the Nemzeti Gazdasági és Társadalmi Tanács, including the associations of such representative bodies.

## CLOSING PROVISIONS

### *Section 88*

(1) This Act shall enter into force on 1 January 1994.

(2)<sup>281</sup> The Government is hereby authorized to:

*a)*<sup>282</sup> appoint the occupational safety and health authority or authorities, and to designate in a decree the bodies for the enforcement of occupational safety and health regulations as regards defense organizations, vocational training institutions - other than military organizations - maintained and supervised by the minister in charge of defense, at bodies engaged in organized employment for reasons of national defense on land controlled and managed by the ministry of the minister in charge of defense or used by a defense organization under any other title, to labor activities carried out within the framework of organized employment at business associations designated by means of a decree under the Act on Home Defense and on the Hungarian Armed Forces, and on Measures to be Introduced Under Particular Legal Order falling within the regulatory authority of the minister in charge of defense, furthermore, law enforcement agencies, the Parliament Guard and municipal fire brigades, and define their specific tasks and the derogating rules of administrative proceedings;

*b)* adopt a decree concerning the occupational safety and health administration;

*c)*<sup>283</sup> decree the fields of operation for occupational safety experts, the detailed conditions for the activities of occupational safety experts, the procedures for issuing the authorization for such activity, the sanctions for any infringement of the provisions of the relevant legislation or of the resolutions adopted by the competent authorities pertaining to such expert activities, the detailed procedural rules for operating the register and for the compulsory periodic training of occupational safety experts;

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<sup>279</sup> Enacted: by paragraph (3) Section 183 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>280</sup> Enacted: by paragraph (3) Section 183 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>281</sup> Established: by Section 16 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>282</sup> Established by Subsection (1) of Section 7 of Act CXLI of 2021, effective as of 1 January 2022.

<sup>283</sup> Established by Subsection (1) of Section 30 of Act CXXVI of 2019, effective as of 1 January 2020.



*d)*<sup>284</sup> decree the detailed regulations concerning the amount of occupational safety fines and for the levying of such fines;

*e)*<sup>285</sup> appoint by means of a decree the occupational safety and health authority as regards inmates held in penal institutions, and to lay down specific and supplementary procedural provisions for the administrative proceedings and regulatory inspection carried out by that authority;

*f)*<sup>286</sup> decree the rules for the attestation of conformity of personal protective equipment with the applicable health and safety requirements, and for the authorization, notification, activity and supervision of bodies performing conformity assessment of personal protective equipment;

*g)*<sup>287</sup> decree the rules for the register of persons authorized to pursue specialized occupational safety activities and for the compulsory periodic training of such experts.

(3)<sup>288</sup> The competent minister is hereby authorized to decree:

*a)*<sup>289</sup> the special occupational safety requirements and procedural rules - taking into account the specifics of such bodies - in respect of extraordinary working conditions, and in respect of work carried out within the framework of an employment-related relationship or in a service relationship with law enforcement agencies and municipal fire brigades, the occupational safety requirements and procedural rules other than those covered in this Act, the classification of activities in terms of hazard category, and the regulations relating to the reporting, investigation and classification of accidents at work, occupational diseases and cases of harmful exposures in a sectoral decree;

*b)* the regulations in connection with hazardous activities (Section 11) in agreement with the minister in charge of employment and labor;

*c)*<sup>290</sup> the special occupational safety requirements and procedural rules other than those covered in this Act, in respect of work carried out within the framework of employment-related relationship, civil service relationship, legal relationship of army civilian personnel, government service relationship, political service relationship, commissioner's relationship, public service relationship at defense organizations, vocational training institutions - other than military organizations - maintained and supervised by the minister in charge of defense, at bodies engaged in organized employment for reasons of national defense on land controlled and managed by the ministry of the minister in charge of defense or used by a defense organization under any other title, to labor activities carried out within the framework of organized employment at business associations designated by means of a decree under the Act on Home Defense and on the Hungarian Armed Forces, and on Measures to be Introduced Under Particular Legal Order falling within the regulatory authority of the minister in charge of defense, including the classification of activities in terms of hazard category, and the procedures for adopting regulatory control directives and for

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<sup>284</sup> Enacted: by paragraph (5) Section 128 of Act CV of 2011. In force: as of 1. 01. 2012.

<sup>285</sup> Enacted by Subsection (1) of Section 4 of Act LXXII of 2014. Amended by Subsection (2) of Section 6 of Act CLXXIX of 2017.

<sup>286</sup> Enacted by Subsection (1) of Section 6 of Act CLXXIX of 2017, effective as of 1 January 2018.

<sup>287</sup> Enacted by Subsection (2) of Section 30 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>288</sup> Established: by Section 16 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>289</sup> Established: by paragraph (2) Section 184 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>290</sup> Established by Subsection (2) of Section 7 of Act CXLI of 2021, effective as of 1 January 2022.

reporting the findings of regulatory activities, and the regulations relating to occupational safety interest representation and reconciliation, and to the reporting, investigation and classification of accidents at work, occupational diseases and cases of harmful exposures.

(4)<sup>291</sup> The minister in charge of employment and labor is hereby authorized:

*a)* to decree the detailed regulations:

*aa)*<sup>292</sup>

*ab)* concerning the minimum requirements for the provision of safety and/or health signs at work,

*ac)* for the classification of employers in terms of hazard category and the employment of occupational safety experts,

*ad)* for the reporting, investigation and registration of occupational accidents,

*ae)* the conditions for the launching of a collective labor debate by the workers' representatives,

*af)*<sup>293</sup> concerning the safety requirements for the use of industrial rope access technique;

*b)* to decree, in agreement with the minister in charge of the healthcare system and with the competent minister, the detailed regulations concerning the qualifications, training and experience required for work where any risk of danger may be involved;

*c)* to decree, in agreement with the minister in charge of mining operations:

*ca)*<sup>294</sup>

*cb)*<sup>295</sup> the occupational safety regulations in connection with the activities governed under Act on Mining;

*d)* to decree, in agreement with the minister in charge of the healthcare system, the detailed regulation:

*da)* for ergonomic considerations at work,

*db)* concerning the conditions for commissioning according to occupational safety standards, including the definition of dangerous work equipment, and the restarting or relocating of dangerous work equipment,

*dc)* the minimum level of safety and health requirements regarding work equipment and work places,

*dd)*<sup>296</sup> concerning the minimum level of occupational safety requirements at construction sites and during construction procedures, and the appointment and function of an occupational safety coordinator, including the requirements in terms of training and education,

*de)* concerning the work environment and conditions to be provided to workers to ensure compliance with occupational safety and occupational health requirements [Sections 24 and 25, Sections 31-34],

*df)* in connection with selecting the work procedures, technology, work equipment, personal protective gear, and materials,

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<sup>291</sup> Established: by Section 16 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>292</sup> Repealed by Subsection (3) of Section 6 of Act CLXXIX of 2017, effective as of 1 January 2018.

<sup>293</sup> Established: by paragraph (3) Section 184 of Act CXCI of 2011. In force: as of 1. 01. 2012.

<sup>294</sup> Repealed: by point 12 Section 84 of Act CLXVI of 2011. No longer in force: as of 1. 01. 2012.

<sup>295</sup> Amended: by Section 81 of Act LVI of 2009. In force: as of 1. 10. 2009.

<sup>296</sup> Amended: by paragraph (11) Section 55 of Act CXXVI of 2009. In force: as of 28. 11. 2009.

*dg)* concerning the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury,

*dh)* concerning the minimum safety and health requirements for work with display screen equipment,

*di)* concerning the protection of workers from the risks related to exposure to carcinogens at work, and for the prevention of related health injuries,

*dj)* concerning the protection of workers from the risks related to exposure to asbestos at work,

*dk)* on the protection of workers from risks related to exposure to biological agents at work,

*dl)* concerning the authorization of certain work procedures,

*dm)* concerning the limitation of daily working time of workers employed under conditions exposed to harmful effects,

*dn)* for drawing up an emergency rescue plan and for the designation of personnel responsible for such rescue operations,

*do)*<sup>297</sup>

*dp)* concerning the conditions for the use of personal protective equipment, including the internal regulations for supplying such gear,

*dq)*<sup>298</sup>

*dr)* the conditions for occupational safety and health relating to the employment of workers, including workers' obligations,

*ds)* on the reporting, investigation and registration of occupational accidents and cases of harmful exposure,

*dt)* concerning the minimum safety and health requirements for work on board marine fishing vessels,

*du)* on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres,

*dv)*<sup>299</sup>

*e)*<sup>300</sup> to decree, in agreement with the minister in charge of taxation, the detailed provisions concerning the obligation of payment of administrative service fees for authorization proceedings concerning the activities of occupational safety experts, including the amount payable and the terms and conditions of payment.

(4a)<sup>301</sup> The minister in charge of the healthcare system is hereby authorized to decree, in agreement with the minister in charge of employment and labor, the detailed regulations:

*a)* for the functions and duties of the occupational health service;

*b)* concerning examinations for the purpose of aptitude tests, medical examination and personal hygiene;

*c)* the objective of first aid assistance provided at work, the necessary material, personnel and organizational conditions, the appointment, instruction and training of the persons involved, and the supervision and control of first aid.

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<sup>297</sup> Repealed by Subsection (2) of Section 199 of Act XCIX of 2014, effective as of 1 January 2015.

<sup>298</sup> Repealed by Subsection (2) of Section 199 of Act XCIX of 2014, effective as of 1 January 2015.

<sup>299</sup> Repealed by Subsection (2) of Section 199 of Act XCIX of 2014, effective as of 1 January 2015.

<sup>300</sup> Enacted: by paragraph (9) Section 22 of Act CXXXIV of 2009. In force: as of 1. 01. 2010.

<sup>301</sup> Enacted by Section 198 of Act XCIX of 2014, effective as of 1 January 2015.

(5)<sup>302</sup> The minister in charge of employment and labor is hereby authorized to decree, in agreement with the minister in charge of the healthcare system, the detailed regulations concerning the protection of the health and safety of workers from the risks related to exposure to chemical factors at work.

(5a)<sup>303</sup> The minister in charge of law enforcement is hereby authorized to decree - following consultation with the Speaker of the Parliament - the special occupational safety requirements and procedural rules in respect of the Parliament Guard the occupational safety requirements and procedural rules other than those covered in this Act, the classification of activities in terms of hazard classes, and the regulations relating to the reporting, investigation and classification of accidents at work, occupational diseases and cases of harmful exposures.

(5b)<sup>304</sup> The minister in charge of penal administration is hereby authorized to decree - in agreement with the minister in charge of the judicial system and the minister in charge of employment and labor - the occupational safety requirements other than those covered in this Act in respect of inmates held in penal institutions, and the regulations relating to the reporting, investigation and classification of accidents at work, occupational diseases and cases of harmful exposures.

(6)<sup>305</sup> This Act serves the purpose of compliance with the following legislation of the Communities:

a) Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work;

b) Directive 96/71/EC of the European Parliament and of the Council concerning the posting of workers in the framework of the provision of services;

c) Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work, and Council Directive 89/654/EEC concerning the minimum safety and health requirements for the workplace;

d) Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007 amending Council Directive 89/391/EEC, its individual Directives and Council Directives 83/477/EEC, 91/383/EEC, 92/29/EEC and 94/33/EC with a view to simplifying and rationalizing the reports on practical implementation;

e)<sup>306</sup> Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work [second individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC];

f)<sup>307</sup> Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the

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<sup>302</sup> Established by Subsection (3) of Section 30 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>303</sup> Enacted: by Section 96 of Act CCXIV of 2012. In force: as of 1. 03. 2013.

<sup>304</sup> Enacted by Subsection (2) of Section 4 of Act LXXII of 2014. Amended by Subsection (3) of Section 6 of Act CLXXIX of 2017.

<sup>305</sup> Established: by Section 16 of Act CLXI of 2007. In force: as of 01. 01. 2008.

<sup>306</sup> Enacted: by paragraph (3) Section 36 of Act LXI of 2008. In force: as of 01. 01. 2009.

<sup>307</sup> Enacted by Section 21 of Act LXXIX of 2016, effective as of 8 July 2016.

provision of services and amending Regulation (EU) No. 1024/2012 on administrative cooperation through the Internal Market Information System (“the IMI Regulation”);

g)<sup>308</sup> Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC;

h)<sup>309</sup> Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work;

i)<sup>310</sup> Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labeling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No. 1907/2006;

j)<sup>311</sup> Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures;

k)<sup>312</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

l)<sup>313</sup> Directive (EU) 2017/2398 of the European Parliament and of the Council of 12 December 2017 amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work;

m)<sup>314</sup> Directive (EU) 2019/130 of the European Parliament and of the Council of 16 January 2019 amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work.

### *Section 89<sup>315</sup>*

A new workers’ representative for occupational safety shall be elected after the date of entry into force of Act CV of 2011 on the Amendments of Employment and Other Related Regulations for the Purpose of Approximation (hereinafter referred to as “Act CV/2011”) before the mandate of the workers’ representative existing at the time of entry into force of Act CV/2011 expires in accordance with the provisions of this Act in effect before the entry of Act CV/2011 into force, in any case within four years following the time of Act CV/2011 entering into force.

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<sup>308</sup> Enacted by Subsection (3) of Section 13 of Act CXLV of 2016, effective as of 1 January 2017.

<sup>309</sup> Enacted by Subsection (4) of Section 30 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>310</sup> Enacted by Subsection (4) of Section 30 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>311</sup> Enacted by Subsection (4) of Section 30 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>312</sup> Enacted by Subsection (4) of Section 30 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>313</sup> Enacted by Subsection (4) of Section 30 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>314</sup> Enacted by Subsection (4) of Section 30 of Act CXXVI of 2019, effective as of 1 January 2020.

<sup>315</sup> Enacted: by Section 31 of Act CV of 2011. In force: as of 1. 08. 2011.

## *Section 90<sup>316</sup>*

(1) Subsections (1) and (2) of Section 70/A of this Act, as established by Act LXXIX of 2016 on the Amendment of Regulations Relating to Employment for the Purpose of Approximation (hereinafter referred to as “Act LXXIX/2016”), shall apply after the date of entry into force of Act LXXIX/2016 in the case of employers with elected workers’ representatives for occupational safety, to the election of a workers’ representative when the mandate of the existing workers’ representative expires.

(2) As regards the employers where no workers’ representative had been elected, the election prescribed under Subsections (1) and (2) of Section 70/A of this Act, as established by Act LXXIX/2016, shall be carried out within half a year after the date of Act LXXIX/2016 entering into force.

(3) Section 82/D of this Act, as established by Act LXXIX/2016, shall apply to administrative proceedings opened after the date of Act LXXIX/2016 entering into force.

### *Annex 1 to Act XCIII of 1993<sup>317</sup>*

#### *Notification Document<sup>318</sup>*

<b>1.</b>	Date and time of notification:	
<b>2.</b>	Notifier’s particulars:	
<b>2.1.</b>	name:	
<b>2.2.</b>	home address:	
<b>2.3.</b>	mailing address:	
<b>2.4.</b>	phone number:	
<b>2.5.</b>	e-mail address:	
<b>2.6.</b>	job description:	
<b>3.</b>	Employer’s particulars:	
<b>3.1.</b>	name:	
<b>3.2.</b>	address (registered office):	
<b>3.3.</b>	county of permanent establishment:	
<b>3.4.</b>	tax number (in the absence thereof: tax identification code)	
<b>4.</b>	Information about the accident:	
<b>4.1.</b>	place of occurrence (address):	
<b>4.2.</b>	date and time of occurrence:	
<b>4.3.</b>	county (where the accident has occurred):	
<b>5.</b>	In the case of occupational diseases/harmful exposures	
<b>5.1.</b>	place of work:	
<b>5.2.</b>	job description:	

<sup>316</sup> Enacted by Section 22 of Act LXXIX of 2016, effective as of 8 July 2016.

<sup>317</sup> Enacted by Section 15, Annex 1 of Act CXLV of 2016, effective as of 1 January 2017.

<sup>318</sup> Section 68

5.3.	first day of employment on the job:	
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7. Reason of the notification:

8. Coverage of the notification:

.....  
notifier's signature