



MINISTRY OF FINANCE

WORK IN HUNGARY

Foreign workers' rights and obligations in relation to occupational safety and health when they work in Hungary



DEPARTMENT OF OCCUPATIONAL SAFETY AND HEALTH

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1. General information

- **When working in Hungary, Hungarian requirements concerning occupational safety and health have to be followed.**
- Employers are required to put in place the conditions of non-harmful and safe work, but workers also have their own obligations with respect to occupational safety and health.
- **Employers may not furnish monetary or other redemption instead of fulfil occupational safety and health requirements.**
- Workers may not be placed at any disadvantages for taking any action towards fulfilment of the requirements of non-harmful, safe work.
- Employers are responsible for having all workers become familiarised with the relevant rules of safe work in the language that they understand.
- Employers are required to ensure the availability of operating documentation, warning, prohibitive and informative signs in the language that workers understand.
- Workers may work by following the rules and instructions of occupational safety and health, and abiding by the information provided at **work safety and health trainings**. It means that upon their recruitment to any specific job workers are required to attend occupational safety and health trainings. Until the attainment of the necessary knowledge, they may not work independently. The completion of the training shall be documented in writing, under the signature of the worker concerned.
- Work may be performed solely under working conditions and for durations that do not jeopardise the health and physical integrity of workers.
- For work, workers shall be in conditions that are suitable for the safe performance of work.
- Wherever there is any risk arising from the given work process of nature of work, no work may be performed alone, and provisions shall be made for emergency assistance.
- If any work is performed by more than one worker, a worker in control shall be appointed. In these cases, workers shall be clearly advised who the worker in control is, meaning whose instructions need to be followed.
- At workplaces where workers engaged with different employers are concurrently employed, work shall be coordinated, in relation to which the workers concerned shall be informed.
- Before the commencement of work, workers are required to attend an **occupational medical fitness examination**. This examination shall be conducted by the occupational health medical practitioner on the employer's commission. The

occupational health medical practitioner shall communicate to the worker whether the worker is fit, unfit or temporarily unfit for work based on the examination.

After the preliminary occupational medical fitness examination, workers are required to attend periodic medical fitness examination at predefined intervals.

The costs of occupational medical fitness examinations shall be paid by the employer, and they may not be charged to the worker.

For **seasonal or casual work**, medical examinations are generally not required. However, for instance, in jobs with particular exposure in terms of epidemiology, based on animal and plant health requirements, as well as in the case of young or elderly workers, an **employability test** shall be attended.

The costs of the employability test shall be covered by the person having initiated the test, i.e. either the employer or the worker.

If in the course of the activities the worker can potentially be exposed to risks associated with biological factors (bacteria, viruses), the employer shall offer **vaccination** – if there exists any – as a criterion of employment. Effective vaccination is available for the prevention of e.g. tick-borne encephalitis (acute inflammation of the brain spread of ticks).

- **Exits and emergency exits, as well as designated routes of escape have to be kept unobstructed.**

At workplaces, the employer shall put in place proper tangible, personal and organisational conditions for occupational **first aid**.



- At workplaces that qualify to be cold or in the case of excessive heat, at least 5–10 minutes of resting time per hour and a proper resting place shall be provided alongside protective drink.

2. The worker's obligations, rights

2.1. The worker's obligations:

- **Workers shall work without causing any risk to their own or other's health and physical integrity.**
- Workers are obliged to make sure – to the extent this can be expected of them – that the work equipment used by them is in safe condition and they use them properly, in accordance with the instructions of the employer, and that they perform the maintenance tasks set out for them.
- They shall use personal protective equipment for the intended purposes, and ensure their cleaning as reasonably expected of them.
- They shall wear clothes prescribed for the work concerned.
- They shall maintain discipline, order and cleanliness at the workplace.
- **They shall promptly inform the employer in relation to irregularities, operating disturbances that may cause risks, shall terminate such irregularities, operating disturbances as reasonably expected of them, or shall request their superior to act for the same.**
- **They shall instantly report accidents, injuries, sickness.**
- **They may not disable, remove or alter any guarding equipment or safety device.**
- They are obliged to act in cooperation with the employer, colleagues, as well as occupational safety and occupational health professionals.

2.2. Workers have the right to require employers to

- Make the knowledge and information needed to fulfil the requirements of non-harmful and safe work available to them, provide them with the option of having induction trainings,
- Supply the devices, work and protective equipment that are needed for the performance of work for the purposes of occupational safety and health, as well as the prescribed protective drinks, as well as hygienic agents and cleaning facilities to them.
- Elect **occupational safety and health representative(s)** in order to represent their rights and interests relating to non-harmful and healthy and safe working. If the worker headcount is up to 20 persons, such election shall be organised on a mandatory basis.

Workers shall have the right to refuse work if it could directly and severely jeopardise their lives, health or physical integrity. If it threatened others directly and severely, workers shall refuse to act in line with the employers' instructions.

3. Main obligations of employers

Employers are responsible for the fulfilment of requirements of non-harmful and safe work.

Among others, employers are responsible for

- Putting in place proper tangible and personal conditions of work (e.g. establishment of the workplace, work equipment, personal protective equipment, medical fitness, vocational qualifications, knowledge).
- Requiring and controlling the use of work equipment and personal protective equipment for their intended functions.
- Involving professionals for the performance of tasks deemed to belong to professional occupational safety and occupational health activities (e.g. performance of risk assessment, commissioning of hazardous work equipment for compliance with occupational safety and health requirements, periodic safety reviews, investigation of accidents at work and occupational diseases).
- Providing workers with the necessary instructions and information before work.
- Ensuring from time to time that working conditions meet the requirements, workers know and abide by the requirements pertaining to them.
- Providing all workers with drinking water in sufficient quantity and quality complying with the relevant health requirements, as well as with facilities for dressing, cleaning, hygiene, meals, resting and warming up as appropriate for the given workplace and the nature of work.
- Providing for the conditions of the election of the occupational safety and health representative – in case the headcount of workers reaches 20 persons, or such election is initiated by the majority of workers –, as well as ensuring the participation of workers/representatives in discussing occupational safety and health measures.

4. Vocational qualifications, operating authorities

Effective Hungarian regulations set out **two basic situations in relation to the recognition of vocational qualifications**:

1. In one of them, the citizen of an EU Member State settles in Hungary for the purpose of pursuing some professional or vocational activities on a permanent basis, in the framework of normal employment or enterprise operations (settlement). In the case of such **settlement**, it is necessary to seek naturalisation, recognition for foreign vocational qualifications, certificates.

The provisions of *Act C of 2001 on the recognition of foreign certificates and degrees (Recognition Act)* are applicable to the recognition and naturalisation of certificates and degrees issued under the law of any foreign state as being equivalent to the certificates and degrees that can be obtained in Hungary. Recognition/naturalisation is a procedure in the course of which the acting authority declares the legal effect of a foreign certificate to be identical to the legal effect of a certificate that can be obtained in Hungary. The resolution of recognition states that the foreign certificate certifies vocational qualification that is identical to the Hungarian vocational qualification designated in the resolution, carries entitlement to occupy identical jobs and pursue the same activities. Based on the Recognition Act, only those foreign qualifying certificates can be recognised that certify such vocational qualifications of elementary, secondary or higher education that can be currently obtained, or could be obtained earlier in Hungary. If any foreign certificate of vocational qualification does not meet these conditions, the Hungarian vocational qualification shall be obtained before the occupation of the given job or commencement of the activities in question.

As a **general rule**, applications shall be submitted to the **Hungarian Equivalence and Information Centre of the Hungarian Educational Authority** (www.oktatas.hu) as the authority in charge of the recognition of certificates and degrees.

Exceptions are vocational qualifications where the relevant legal regulations indicate¹ **other competent authorities** (e.g. the authority in charge of recognising foreign certificates and degrees issued in relation to vocational qualifications authorising the operation of trucks is the minister for transports and the Centre for the National Transport Authority at the second instance).

2. In the other situation, a service provider settled in an EU Member State also performs services in Hungary on a temporary and occasional basis by practicing a certain vocation (cross-border service supply). In **cross-border service supply**, Member States are obliged to accept the vocational qualifications of other Member States, and services are not conditional upon the naturalisation, recognition of vocational qualifications. In this context, Hungarian legal regulations grant the authorisation to use vocational qualifications obtained in other Member States.

¹ *Government Decree 33/2008 (II. 21.) on the appointment of authorities acting in matters that fall within the scope of the Recognition Act, as well as the list of services subject to the declaration obligations*

5. Personal protective equipment

- Employers shall provide the workers with the specific personal protective equipment in case the non-harmful and safe performance of work cannot be implemented with the use of preventive technical or organisational measures.
- **Personal protective equipment shall be supplied by employers as free of charges.**
- Workers shall be trained on the intended use of the personal protective equipment, including the provision of practical training as necessary. At the time of the delivery of personal protective equipment, the manual and instructions for use coming with the given protective device shall also be made available to the workers.
- **Workers may not validly waive from the use of protective equipment.**
- Personal protective equipment is designed for personal use **without any time limit of wear.**
- The employer shall ensure the usable and proper hygienic conditions of personal protective equipment by means of maintenance, cleaning, repair servicing or replacement, and workers are also responsible for ensuring the expected cleaning of the protective equipment.
- The necessary **personal protective equipment** shall be **continuously available** for the performance of work by workers.
- Workers **shall promptly inform their employers in case they find that the protective equipment has lost its protective ability.**
- **The protective equipment that has lost its protective ability may not be used any longer.**

/Figure 1/



1FIGURE 1²

² photos taken by the occupational safety and health authority

- Workers **may not remove** the protective equipment **from the workplace** unless the employer has authorised such removal in case:
 - the place of work is variable, and the employer cannot provide employees with protective equipment in any other manner,
 - the removal or relocation of the protective equipment is not in conflict with public health regulations.
- If any given piece of protective equipment is used by more than one person, the employer shall take appropriate measures to ensure that such use should pose no health or hygienic risks to the users.

6. Actions to be taken in the event of accident at work or occupational disease

- The injured person or the person who has detected the accident is required to **promptly report** the accident to the person directly controlling the work.
- With regard to all accidents which have been reported and/or have come to their knowledge, employers shall establish whether to consider them as accidents at work. If not considered as accident at work, 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.
- Accidents at work resulting in a worker becoming **incapable for work for more than 3 working days** shall be reported, investigated and recorded by the employer. All accidents at work resulting in a worker becoming incapable for work shall be immediately investigated, and the findings of such investigation shall be recorded in a work accident report.
- **If the injured person** – for a reason attributable to him – fails to report the accident promptly to the person directly controlling the work, during the investigation of the accident by the employer **the injured person will have the burden to prove that the accident occurred during or in relation to the performance of work.**
- **The employer shall forthwith notify the occupational safety and health authority of the serious accident at work.**

An accident at work shall be considered serious if it

- a) results in the death of the injured person (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 results in a permanent handicap depriving the person of an independent life;

- b) results in the loss of any sense organ or perceptivity, or in the loss or significant damage to the ability to reproduce;
- c) causes a critical injury, or any serious damage to health according to a medical report;
- d) results 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) results in the loss of speech, or in conspicuous disfiguration, paralysis, and/or mental disorder.

- **Occupational diseases** and cases of **increased exposure** shall be reported, investigated and recorded. The relating responsibilities shall lie with the physician who has established the suspicion of the occupational disease or increased exposure.
- The worker may contact the regionally competent **occupational safety and health authority** in case the worker
 - has any objection to the reporting of the accident at work by the employer, the measures or omission in relation to the investigation thereof,
 - has any objection to the failure to investigate the occupational disease or increased exposure,
 - disputes the employer's assessment of the severity of the injury.
- The report described above requires the completion of the reporting form³ defined in the relevant legal regulations.

³ *Annex 1 to Act XCIII of 1993*

7. Special sectoral information

7.1. Construction industry

At workplaces in the construction industry, it can be generally stated that **helmets, protective boots, protective gloves** have to be used in nearly all cases. Helmets are not to be worn in indoor workplaces where falling objects do not jeopardise workers (specialised indoor work, office work, operation of power machines with cabins for drivers).

During various work processes in the construction industry, the use of other personal protective equipment may as well be justified, such as hearing protection devices (ear plugs or ear muffs), respiratory protection against dust.

There are stringent requirements that are applicable to cases where workers may be exposed to the impact of **asbestos** during the performance of work (e.g. demolition, rehabilitation, refurbishment, repair works). The presence of carcinogenic asbestos needs to be anticipated, for instance, in the insulation of older buildings, pipelines, as well as in older asbestos-containing products (e.g. flat slate tiles, corrugated asbestos, pipeline profiles). Asbestos fibres enter the human body from the air through respiration, and therefore the use of adequate equipment for respiratory protection is of utmost importance for the prevention of later serious health impairments. Obviously, the use of additional personal protective equipment is also mandatory (e.g. protective clothes). /Figure 2/



2FIGURE 2⁴

It is forbidden to remove the protective enclosures of **electrical equipment** (e.g. switching cabinets, handheld electrical tools), and measures must be put in place for the contact protection of electrically active parts. Electrical lines must be positioned so that they should not be exposed to the risk of damage, or cause any tripping risk. Work may be performed only with undamaged electrical equipment.

⁴ photos taken by the occupational safety and health authority

Risks involving **in- and downfalls**, as well as the fall of any material used shall be counteracted with the use of covering, or 1-meter high, three-strand rails of maximum 30 cm spacing, as well as any equivalent protection. The mesh size of protective nets/grids may be 10 cm x 10 cm at the maximum. If protective rails or protective nets cannot be used, personal protective equipment shall be applied, and additionally load-bearing structures have to be erected to securely fasten the protective equipment. With the application of fall protection, it is particularly important to hold practical training in relation to the use of these protective systems.

Workers involved in the erection or pulling down of **scaffolds** shall be informed as required and instructed of the potential risks. Access openings on the platforms of scaffolds may not be located over one another. Mobile scaffolds may be assembled only on the basis of the installation plan, and secured against unintentional movements.

On **ladders**, workers shall be able to stand safely and hold fast at all times, even if any load needs to be carried up the ladder in hands. Ladders shall be placed on firm grounds, and their legs have to be secured against sliding apart. When accessing different work levels, in the absence of other ways of clinging, ladder shall protrude over the work level to be reached by at least 1 meter. Damaged, deformed, incomplete ladders may not be used.

Lifting machines, earth-moving machines may be operated only with proper operating licenses. No work may be commenced in case anyone is within the operating range or working radius of the machine. Power machines shall be secured against starting by unauthorised persons.

Electrical overhead lines may not be approached by power machines, or if a power machine comes so near an electrical overhead line that it results in any electrical rupture (arc-over), then the driver or operator of the machine

- a) may not leave the control and/or operating platform;
- b) shall shout out to call the attention of the people staying nearby that the machine must not be touched;
- c) shall act for cutting off live power.

In the case of excavation works, **propping shall be applied, or slopes have to be constructed to prevent the ground from collapsing.** Any load on the edge of the excavation pit may be applied only if it has been reinforced with properly sized propping. The rollback of soil in the excavation pit must be prevented. The movement of persons in excavation pits that are deeper than 1 meter must be assisted with ladders that are secured against displacement, or stairs in case the depth exceeds 5 meters.

Workers involved in **demolition** works shall be educated in relation to the demolition plan, applied technology and operations. In the event of any abortion of work, the stability of the building structures that are to be demolished or remain intact shall be ensured. In the course of demolition works, a belt corresponding to the double of the height of the wall in width shall be regarded to be the danger zone.

7.2. Agriculture

In terms of occupational safety and health, it is one of the most dangerous sectors due to the potential sources of accident risks and health-impairing threats.

The relevant legal regulations may prescribe **qualification requirements** for the **operation of certain work equipment**. Such work equipment includes power machines, tractors, lifting machines, welding devices, loading machines, chainsaws, forestry harvesters, dryers.

In the case of shafts, floor sinks, inlet openings, shoot holes, operating points that are higher or deeper than 0.8 meter, risks involving **in- and downfalls** shall be counteracted with the use of covering (steel grids with a maximum mesh size of 4 cm) or protective railings.

During operation, machines, equipment units may not be left unattended, unless they are in locked away, inaccessible spaces, and if no one would be jeopardised by any failure during their operation or functioning.

With respect to the associated risks and their use in large numbers, particular attention shall be paid to **power machines and mechanised equipment (loading, lifting and excavation machines)**.

- For mechanised equipment, a serious source of hazards is the absence of various protective enclosures, or if their safety devices are inoperable.
- It is necessary to ensure a proper field of vision, and provide for the availability of adequate workplace lighting fixtures as appropriate for the given work processes.
- In the operator's cabin, there may not be objects (e.g. tools) unfastened, and persons may be carried only in dedicated spaces (e.g. transportation of people is forbidden on stairs).
- Moving power machines and mechanised equipment may not be entered or exited.

When exiting mechanised equipment, its unintentional movement or start-up by unauthorised persons shall be prevented.

Unauthorised persons may not be staying in farmyards and near far buildings.



With **wasp stings**, injured persons shall seek immediate medical assistance. Following any **hornet sting**, until the provision of medical assistance, measures shall be taken to slow down or prevent the toxin from becoming absorbed (e.g. with the application of pressure dressing over the site of the sting). 3Figure 3⁵ (wasp)

⁵photo: pixabay.com

Persons who are sensitive to wasp stings should always carry with themselves and use the medicine prescribed by their general practitioners as necessary.

Packaging units originally manufactured for or used with food (e.g. **light drink or mineral water bottles**) **may not be used for storing dangerous substances or hazardous mixtures.**

Information pertaining to dangerous substances/hazardous mixtures (e.g. classification, composition, effects, handling, storage, personal protection, first-aid measures, precautions) is detailed in the respective material safety datasheets.

Dangerous substances and hazardous mixtures may not be transferred into unlabelled packaging units from their original packaging.

The possibility to call for help shall always be in place (sufficiently charged mobile phone).

8. Who to contact with questions concerning occupational safety and health?

➤ **Occupational safety and health authority**

Contact details: The “Occupational safety and health inspectorates” submenu can be found under the “Contact details” menu item at www.ommf.gov.hu website.

➤ **Department of Occupational Safety and Health, Ministry of Finance**

Contact details:

- *Phone:* +36 (80) 204-292
Consultation hours: from 08:30 until 16:00 on Tuesdays and Thursdays (on working days)
- *E-mail:* munkavedelem-info@pm.gov.hu
- *Mailing address:* Department of Occupational Safety and Health, Ministry of Finance
H-1051 Budapest, Kálmán Imre u. 2–4.,
H-1369 Budapest, P.O. box 481.

9. What emergency telephone number to call in the event of an emergency?

European emergency phone number: 112

Ambulance, emergency medical services: 104

Fire-brigade, rescue services, civil protection: 105

Police: 107

The key legal regulations associated with occupational safety and health are accessible in Hungarian at the website www.ommf.gov.hu.