

on Labor Safety, Consolidated with MüM Decree No. 5/1993 (XII. 26.) of the Ministry of Labor

[The text of Act XCIII of 1993 (hereinafter referred to as "LSA") is typed in boldface, while the text of MüM Decree No. 5/1993 (XII. 26.) (hereinafter referred to as "Decree") is typed in regular font.]

The objective of this Act is to establish the personnel, material and organizational conditions for ensuring occupational safety and health, in accordance with the principles set forth in the Constitution, in the interest of protecting the health and ability to work of persons in organized employment and improving working conditions, thereby preventing industrial accidents and occupational diseases. In order to achieve this objective, the Parliament hereby passes the following Act defining the responsibilities, rights and obligations of the State, employers and employees:

Pursuant to the authorization granted in Act XCIII of 1993 on Labor Safety (hereinafter referred to as "LSA"), the Minister of Labor, in agreement with employer and employee interest representation organizations, and, in respect of Subsection (1) of Section 13 of LSA, with the Minister of Finance, hereby orders the following:

Chapter I.

GENERAL PROVISIONS

LSA - Section 1.

- (1) For the purposes of this Act, labor safety shall mean the entirety of occupational safety and health requirements pertaining to 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.
- (2) All persons working within the territory of the Republic of Hungary shall have the right to safe, healthy working conditions.

Fundamental Principles

LSA - Section 2.

- (1) 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 program for the protection of health and working ability, labor safety and the work environment, the implementation of which it shall periodically review and inspect.
- (2) Implementation of occupational safety and health requirements shall be the duty and obligation of employers, in harmony with the employees' responsibilities in this area. 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.

LSA - 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.

LSA - 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.

LSA - Section 5.

This Act shall provide for the reconciliation of interests related to labor safety, as well as for the protection of the labor safety interests of employees, defining the rights and obligations of the representatives of labor safety, without prejudice to the rights of employees' interest representation organizations related to labor safety which are regulated in other legal regulations, particularly in the Labor Code, and in the Acts on the Legal Status of Civil Servants, and on the Legal Status of Public Servants.

LSA - 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.

LSA - Section 7.

The protection of data (personal, special and public data, State, service, 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.

LSA - Section 8.

If any activity is qualified by this Act or the Regulations (Section 11) as a specialized labor safety activity, the employer may only have such activities performed by persons with special training in labor safety, or mining safety in the field of mining, as prescribed in other legal regulations.

Scope of the Act

LSA - 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) 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) In respect of extraordinary working conditions (e. g. rescue operations, cases of natural disaster), and labor activities carried out within the framework of a legal relationship for work

activities in the armed forces (the forces under the direction, control and supervision of the Minister of Defense or the Border Guard), at law enforcement agencies, and penal institutions, 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 competent minister, with due consideration to the provisions of this Act.

LSA - Section 10.

Rules Pertaining to Labor Safety

LSA - Section 11.

This Act shall contain the fundamental provisions of labor safety; the detailed regulations regarding such shall be set forth in other legal regulations issued by the Ministers of Labor and Public Welfare pursuant to the authorization granted in this Act, and, with respect to hazardous activities (technological processes), in regulations (hereinafter referred to as "Regulations") enacted by the Decree of the competent minister, as well as in standards.

LSA - 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

LSA - Section 13.

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.

LSA - Section 14.

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

duties:

a) establishment of a national labor safety program;

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) review of the labor safety situation within the national economy on an annual basis and disclosure of the results of such review, as well as establishment and operation of the labor safety information network.

- (2) The State shall participate in the work of international labor safety organizations and shall cooperate with other States for the purpose of harmonization of labor safety duties.
- (3) The State shall attend to the duties described in Subsections (1) and (2) in cooperation with employer and employee interest representation organizations.

LSA - Section 15.

The State shall assume the following duties as part of its activities within the labor safety sector: a) publishing of Regulations; b) sector-specific labor safety research and development, in harmony with the national labor safety

program, and the provision of information and participation in the organization of advanced training.

LSA - Section 16.

Within its regulatory activities and the order of State administration proceedings, and in

accordance with the provisions of Chapter VII, the State shall a) promote and supervise the enforcement of labor safety regulations; b) attend to the licensing and registration functions prescribed in this Act, in the Decree of the

Ministers of Labor and Public Welfare, and in other legal regulations.

Agencies Responsible for the Execution of State Duties

LSA - Section 17.

- (1) The Parliament, the Government, and the Ministers of Labor, of Public Welfare, and of Industry and Trade, as well as the central State administration agencies operating under their control and supervision (National Occupational Safety and Labor Administration, State Public Health and Medical Officer's Service, Mining Bureau of Hungary) shall have jurisdiction to attend to the duties related to the enforcement of labor safety at the level of national economy.
- (2) The National Occupational Safety and Labor Administration (hereinafter referred to as "NOSLA") is an independent central office established for the initiation, preparation and promotion of labor safety-

related State administration duties set forth in Section 14, and the exercise of general regulatory competencies related to occupational safety and health. The chief officer of NOSLA shall be its President.

- (3) NOSLA and other agencies, in accordance with the provisions of other legal regulations, shall operate the industrial accident information system.
- (4) The President and Vice-President of NOSLA shall be appointed by the Minister of Social and Family Welfare, who shall also decree the central administration duties of NOSLA, including the activity defined in Subsection (3), along with the detailed regulations pertaining to the operation of county (Budapest) occupational safety and labor boards. NOSLA shall operate a network of occupational safety and labor boards, governed by its President, as its regional branches, with a staff of occupational safety and labor inspectors.
- (5) Pursuant to other legal regulations, other agencies [National Public Health and Medical Officer's Service (hereinafter referred to as the "Medical Officer's Service"), and the mining bureau] shall also exercise regulatory duties related to labor safety.
- (6) During the course of attending to their duties, the State agencies and supervisory boards with jurisdiction for the supervision of labor safety procedures shall cooperate with one another, as well as with public administration bodies and with employer and employee interest representation organizations.

(7) The sector-specific labor safety duties shall be performed by the minister competent for the field of the activity.

Chapter III.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

General Requirements

LSA - 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.
- (3) Work equipment may only be commissioned and put into operation if it satisfies all occupational safety and health requirements and if it has a certificate of conformity or a declaration of conformity attached as prescribed in specific other legislation under mandatory certification of specific products.
- (4) Personal safety equipment may only be placed on the market and used if it has a certificate of qualification. The examination of personal safety equipment for conformity with labor safety requirements shall be performed in accordance with the provisions of the legal regulation on the accreditation of certification organizations and the provision of the decree issued by the Minister of Employment and Labor.

Decree - Section 1.

The list of dangerous work equipment falling under the scope of Subsection (2) of Section 21 of the LSA is contained in Schedule No. 1/A.

Decree - Section 2.

The list of dangerous work equipment falling under the scope of Subsection (5) of Section 21 of the LSA is contained in Schedule No. 1/B.

- (5) The Minister of Labor, in agreement with the Minister of Public Welfare, shall define the detailed rules on the issue of qualification certificates and on the domestic manufacture of personal safety equipment.
- (6) 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

LSA - 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) Each party participating in a construction process (designers, contractors) shall declare in writing that they have observed the provisions of Subsection (1) of Section 18.
- (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.

LSA - Section 20.

In respect of temporary facilities (e. g. barracks, site huts), the provisions of this Act pertaining to workplaces shall be applied with the difference contained in the Regulations (Section 11).

Commissioning under Labor Safety Standards

LSA - Section 21.

- (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) 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 of Employment and Labor as well as equipment subject to regulatory control.
- (3) Commissioning under labor safety standards shall be contingent upon having a preliminary inspection for labor 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 specialized labor safety 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) A further requirement for the commissioning of certain dangerous work equipment specified in the decree of the Minister of Employment and Labor is a certificate of conformity issued upon examination of the work equipment in question.
- (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) Notwithstanding any legal regulations to the contrary, employers shall be entitled to operate dangerous work equipment or technological processes for no more than 180 days for testing or experimental purposes prior to such being commissioned under labor safety standards.

LSA - Section 22.

- (1) Workplaces, work equipment and technological processes shall conform with all applicable labor safety regulations in effect at the time of commissioning.
- (2) In the event that substantial changes are introduced in labor safety regulations by the time of commissioning as opposed to those in force during the design period, and the enforcement of such would represent disproportionate economic disadvantages, the competent supervisory board with jurisdiction (Section 17) may grant an exemption from the provisions of Subsection (1), if occupational safety and health are not endangered.

Material Conditions for the Performance of Work

LSA - Section 23.

(1) 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 to be re-examined 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 shall be conducted by a person possessing a labor safety expert license, a person so authorized by specific other legislation, or an accredited institution.

Decree - Section 3.

- (1) The operator shall conduct the periodical safety inspection once every five year, unless the relevant standard(s) or the operating manual prescribes more frequent inspections.
- (2) The person or organization conducting the inspection shall summarize the results of the inspection in a report and, if the inspection was not conducted by the operating employer, shall provide such employer with a copy of this report. The operating employer shall keep this inspection report on file until the next inspection.
- (3) The work equipment (machinery) falling under the scope of Subsection (1) of Section 23 of the LSA may be used outside the premises only if it is fitted with a label or sign clearly indicating that the

inspection has been duly completed in conformity with the time period described in Subsection (1).

- (2) If a workplace, piece of personal safety equipment, or of work equipment or technological process has directly endangered the health and safety of an employee during its proper use, or if an industrial accident occurred in connection thereto, the conformity of such shall be examined by the operating employer without delay. Until the inspection is completed the operation and/or use thereof shall be prohibited. Performance of such inspection shall be construed as a specialized labor safety activity.
- (3) The Minister of Social and Family Welfare, in agreement with the Minister of Health, shall establish the minimum level of safety and health requirements regarding work equipment, and - in collaboration with the Minister of Health - the minimum level of labor safety requirements of work places, inclusive of the labor safety regulations pertaining to temporary employment at varying construction sites.

LSA - 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.

LSA - 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.

LSA - Section 26.

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

LSA - Section 26/A.

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 of Labor.

LSA - Section 27.

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

LSA - 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.

LSA - 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.

LSA - 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.).

LSA - Section 31.

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

LSA - 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.

LSA - 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.

LSA - 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.

LSA - 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) Swing-doors and swing-gates are to be made of transparent material or to have a transparent panel installed at eye level.

LSA - 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) 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.

LSA - Section 37.

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.

LSA - Section 38.

- (1) At workplaces where smoking is banned for occupational safety and health reasons, separate smoking areas shall be designated.
- (2) Notwithstanding the provisions of Subsection (1), in the interest of the protection of nonsmokers confined or open areas shall be designated for smoking, with confined areas fitted with adequate technical means for the continuous supply of fresh air. In confined workplaces where several workers are staying at any given time no smoking shall be allowed, except for the area designated for smoking.
- (3) Employees under the age of 16 shall not be allowed to smoke during the performance of their work-related contractual obligations or during any other activities connected with the performance of work, even in the designated smoking area. This provision shall not affect the smoking restrictions prescribed by virtue of another act for the students of public education institutions.

LSA - Section 39.

- (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

LSA - 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) At workplaces where the employees of several different employers are working simultaneously, work shall be coordinated so as to prevent any imminent hazard to the employees and to other personnel in the area. Enforcement of this provision shall be the responsibility of the employer so designated by the parties in the contract, or in the absence of such clause the general contractor, or if there is no general contractor, the party on whose property the work is performed.

LSA - 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.

LSA - 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

a) 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) personal safety equipment providing protection against hazard sources shall be specified, and such shall be supplied to the employees to be used as mandatory;

c) 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 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) a plan shall be devised for the employees 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.

LSA - Section 43.

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

LSA - Section 44.

- (1) In respect of work procedures where employees may be exposed to the effects of sources of hazard, unless otherwise provided by other legal regulations, effective protection shall be provided by the application of closed technological process, or if such processes can not be provided, by the application, or joint application if necessary, of safety equipment, personal safety equipment and organizational measures.
- (2) The provision of Subsection (1) shall be duly applied to other personnel in the work area as well.

LSA - Section 45.

- (1) A 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. Legal regulation may prescribe mandatory provisions in connection with the above.
- (2) All employees involved shall be instructed regarding the section of the rescue plan pertaining to their workplace.

LSA - Section 46.

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 and organization of the work.

LSA - 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.

LSA - 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

LSA - Section 49.

(1) An employee may only be employed in a particular position and under the condition, that

- he has the appropriate physiological capabilities to perform the work,

- such employment has no detrimental effect on his health and physical integrity, and with respect to minors, has no detrimental effect on his development,

-such employment represents no danger to his descendants,

- such employment represents no danger to the health or physical integrity of others, and the employee has proven to be fit for the work in accordance with the provisions of other legal regulations.

Medical fitness shall be determined by preliminary and, in respect of positions defined in other legal regulations, periodic medical examinations.

(2) 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 of Public Welfare.

LSA - 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.

LSA - 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.
- (2) 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) If a particular work may be hazardous to the health and physical condition of employees, the Minister of Labor, in agreement with the Minister of Public Welfare 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.

LSA - 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) As part of vocational training, students shall be educated regarding the health and safety requirements pertaining to the profession of their training. The minister competent for training shall determine the curriculum necessary therefor, in agreement with the Minister of Labor and the Minister of Public Welfare.

LSA - 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

LSA - Section 54.

(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; d) the human factor shall be taken into consideration when setting up the workplace, when

selecting the work equipment and procedures, with particular regard to reducing the amount of work time spent on monotonous or frequently repeated procedures and the detrimental effects of such, and to the scheduling of the work time;

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) Employers shall evaluate the qualitative and quantitative aspects of risks jeopardizing the health and safety of employees, with particular regard to the applied work equipment, the hazardous materials and preparations, the potential strain on the employees and the arrangement of the workplace. Based on such evaluation, measures shall be taken to improve work conditions which shall be integrated into the activities of the employer at all levels of administration.
- (3) Employers shall carry out a risk evaluation and shall implement the required precautionary measures specified in Subsection (2) within one year from the date of commencement of employment and any time after that when and where necessary, and shall review said evaluation annually. Any substantial change in the risks involved (i.e. in the working conditions, technological process, dangerous substances and preparations, tools and equipment, or in the nature of work) shall be deemed to justify the evaluation, as well as when any new technology, dangerous substance or preparation, tools or equipment, or new work arrangements are introduced. Risk evaluation shall be performed instantly if any substantial change in the risks involved also entail or suggest the danger of industrial accidents, increased exposure or occupational disease.
- (4) 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.
- (5) In the interest of occupational safety and health, employers shall provide persons with appropriate qualifications in order to perform specialized labor safety activities, or to enforce the provisions of Sections 57-58, and furthermore, shall

a) provide all necessary instructions and information to employees in due time; b) routinely review that work conditions conform with requirements, and the employees have knowledge of and observe the provisions pertaining to them; c) provide proper, suitable work equipment for employees for specific work procedures and with due consideration of the related hazards;

d) discuss with the employees, and/or their labor safety representatives the consequences of the introduction of new technological processes with potential impact on health and safety, in due time prior to introduction;

e) investigate without delay irregular events upon learning of such events, and/or reports related to occupational safety and health, furthermore, take the necessary measures, inform the parties involved, and

stop work in the event of an unmitigated hazard;

f) act in accordance with the provisions of Chapter V in the case of industrial accidents and occupational diseases; g) guarantee proper applicability, protection capacity, satisfactory hygienic condition, necessary cleaning, maintenance (repair) and replacement of safety equipment; h) take the necessary measures to improve work conditions under changing circumstances.

LSA - 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, c) having a work instrument converted, or a new work instrument introduced, d) introducing a new technological process. Training sessions shall be held during full (regular) working hours, and shall be repeated as

appropriate.

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

LSA - Section 56.

Employers shall define in writing the internal order for the provision of personal safety equipment. Fulfillment of this duty shall be construed as a specialized labor safety activity.

LSA - Section 57.

- (1) In order to fulfill the employer's duties related to occupational safety and health, employers shall 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 conditions defined in a decree by the Minister of Labor, as consistent with the category of hazard and the number of employees defined in the decree.
- (2) The services of the specialist as specified in Subsection (1), or in compliance with Section 8, may be obtained either through regular employment relationship or under civil law contract as rendered by a contractor. 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 health standards.

Decree - Section 4.

Employers engaged in the activities listed under Schedule No. 2, and included in the hazard category defined therein, shall employ experts having labor safety (occupational safety) qualifications in accordance with the staff number and qualification conditions described in the Schedule.

LSA - Section 58.

(1) In addition to the obligations prescribed in Subsection (1) of Section 57, employers shall provide persons

with the specialized qualifications prescribed in the decree of the Minister of Health, Social and Family Welfare (hereinafter referred to as "occupational health service"), regarding all employees, 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), Subsection (2) and Paragraph b) of Subsection (5) of Section 54 and in Section

56.

- (2) Without prejudice to the responsibility of employers, the occupational health service shall participate in the development of healthy working conditions and in the prevention of damage to health.
- (3) Employers shall guarantee that employees and their labor safety 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) The local bodies of the Medical Officer's Service shall supervise the activities of the occupational health service. Employers may not issue instructions to the staff of the occupational health service in this field.

(5)

LSA - Section 59.

- (1) 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.
- (2) Employers shall inform the persons defined in Sections 8, 57 and 58 and the labor safety representative (committee) regarding the conclusions and findings of hazard evaluation [Subsection (2) of Section 54] and labor safety measures, the recording and reporting procedures of industrial accidents and occupational diseases and the conclusions of the inspections conducted by the supervisory bodies defined in Section 81.
- (1) Employees may only perform work in a condition appropriate for safe performance of the work, and in compliance with occupational safety and health rules. Therefore, they shall, in particular,

LSA - Section 60.

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) eliminate any irregular situations and malfunctions representing a hazard as reasonably expected, or request their superiors to take the necessary measures; h) immediately report any accident, injury or sickness.

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

LSA - 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.

LSA - Section 62.

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 labor safety specialists and to employees who perform the duties defined in Sections 57 and 58.

LSA - 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) The inoperable condition or the absence of the necessary protective equipment and personal safety equipment shall be particularly construed as the risk defined in Subsection (1).

Chapter V.

REPORTING, INVESTIGATION AND REGISTRATION OF INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

LSA - Section 64.

- (1) Industrial accidents and occupational diseases, including cases of substantial exposure, shall be reported, investigated and registered.
- (2) Unless otherwise prescribed by legal regulations, the actions prescribed in Subsection (1) shall be fulfilled by the employers regarding industrial accidents, and by the agencies (persons) defined in the decree issued by the Minister of Public Welfare regarding occupational diseases.
- (3) Employers shall record the following personal data of injured (sick) persons in the course of the reporting, investigation and registration of industrial accidents and occupational diseases: name, place and date of birth, mother's maiden name.
- (4) Detailed regulations on the reporting, investigation and registration shall be established in this Act and in the decree issued by the Minister of Labor with regard to industrial accidents, and in the decree issued by the Minister of Public Welfare with regard to occupational diseases.

Decree - Section 5.

(1) Employers shall register all industrial accidents, including mining accidents as well (hereinafter jointly referred to as "industrial accidents"), immediately upon occurrence of such (hereinafter referred to as "industrial accident register").

(2) In addition to the provisions of Subsection (3) of Section 64 of LSA, the industrial accident register shall contain the following: a) the serial number assigned to each accident, beginning with 1 in each year; b) the job position of the injured person; c) the date, location and nature of the injury; d) the treatment administered; e) the fact whether the injured person continued working or not.

(3) Industrial accident registers shall be maintained at the employers' headquarters or at the organization (office) maintaining the employer's records on the aggregate, and separately for each organizational unit at each location.

Decree - Section 6.

(1) Industrial accidents resulting in disability shall be investigated without delay. The findings of such investigation shall be recorded in sufficient detail, according to the provisions set forth in Schedule No. 3

(e. g. witness reports, site layout, photographs), in order to allow the cause of the accident to be determined and to clarify the facts in the event of any subsequent dispute.

(2) The documentation of the investigation described in Subsection (1) shall have the same serial number as in the register. This number shall also be indicated in the industrial accident report.

Decree - Section 7.

Employers shall report serious industrial accidents (not including mining accidents) by telephone, telex, fax or in person immediately, including all relevant information available, to the local branch of the county (Budapest) occupational safety and labor board. Mining accidents shall be reported according to the provisions prescribed in the Mining Act and in the legal regulations for its execution.

Decree - Section 8.

- (1) The information and facts gathered during the investigation shall be recorded in the "industrial accident report" described in Schedule No. 4 (hereinafter referred to as "report"). If the investigation cannot be concluded by the data disclosure deadline due to the condition of the injured person or to the nature of the accident, the report shall include an explanation thereof.
- (2) A separate report shall be drafted regarding each injured person, on the basis of the provisions set forth in Schedule No. 5.

Decree - Section 9.

Employers shall submit a copy of the report upon conclusion of the investigation, but no later than the 8th day of the following month a) to the injured person, or to his next of kin in the event of death; b) regarding a fatal industrial accident or one resulting in disability for more than three days, to the local branch of the county (Budapest) occupational safety and labor board, or of the Mining Bureau of Hungary (hereinafter referred to as "MBH");

c) regarding an industrial accident, described in Paragraph b), suffered by a Hungarian employee of a Hungarian-registered employer working in foreign assignment or foreign service, to the branch of the county (Budapest) occupational safety and labor board, or of the MBH, competent according to the employer's registered address;

d) to the relevant social security office, or in the absence of such, to the competent health insurance administration office (branch office).

Decree - Section 10.

- (1) The employer, in whose employment the injured person was working in an organized manner, shall be liable to fulfill the requirements of investigation, reporting and registration of industrial accidents.
- (2) If an industrial accident is suffered by a vocational training student during the practical training necessary for graduation at a place other than the school or educational institution, the party for whom such student was working shall be construed as the employer. However, the institution and the employer may agree otherwise. Such employer shall notify the school or educational institution thereof with respect to each industrial accident, and shall arrange for such to participate in the investigation.
- (3) With regard to an employee's temporary reassignment to another domestic employer, the obligations pertaining to the investigation, reporting and registration of industrial accidents shall be performed by the employer directly supervising the employee's work, while the original employer must be notified as well.

LSA - Section 65.

- (1) The investigation of an industrial accident or occupational sickness shall proceed to determine the material, organizational and personnel reason(s) being directly responsible for or contributing to such occurrence; on this basis steps shall be taken to prevent industrial accidents and occupational diseases.
- (2) The investigation of serious industrial accidents, as well as industrial accidents attributed to work equipment or technological processes, which have resulted in the simultaneous injury or other damage (at the same time) of the health of more than two persons at the same place shall be construed as a specialized labor safety activity.

LSA - Section 66.

- (1) The injured person, and/or those who noticed the accident shall report the accident without delay to the immediate supervisor.
- (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) Employers shall arrange for the labor safety representative to participate in the investigation of industrial accidents.

LSA - Section 67.

Based on the provisions of law, employers are not required to report, investigate and register industrial accidents after 3 years following the occurrence thereof.

LSA - Section 68.

If the injured party (or his relative in the event of death) wishes to contest an employer' actions, or negligence, regarding the reporting, investigation and registration of an industrial accident, he may do so at the competent occupational safety and labor board, or at the competent mining bureau in respect of mining accidents.

LSA - Section 69.

If an employee, with Hungarian citizenship, 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 of Labor.

Chapter VI.

LABOR SAFETY INTEREST REPRESENTATION AND RECONCILIATION

Labor Safety Representatives, Labor Safety Committees

LSA - Section 70.

- (1) For the purpose of representing their rights and interests in connection with occupational safety and health, employees shall be entitled to elect a representative or representatives from among themselves (hereinafter referred to as "labor safety representative").
- (2) The provisions of the Labor Code pertaining to members of works councils and to employee delegates shall be duly applied to the number of labor safety representatives, the order of their election or recall, as well as their sphere of operation.
- (3) 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.
- (4) The employer, or its duly authorized representative, shall attend the committee sessions if so requested by the committee.

LSA - Section 71.

Labor safety representatives (committees) and employers shall cooperate in the course of exercising rights and fulfilling obligations related to occupational safety and health issues.

LSA - Section 72.

(1) Labor safety representatives shall be entitled to inspect the enforcement of occupational safety and 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 workplace accidents,
- the preparation and preparedness of employees for occupational safety and health.

(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) 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) take part in the investigation of industrial accidents, and in the exploration of the circumstances

of occupational diseases upon the initiative of the party entitled to conduct such investigations; f) petition the competent labor safety board in justified cases; g) express their opinion to the person conducting the regulatory inspection.

- (3) Based on the preliminary consent of employers, labor safety representatives shall be entitled to seek the assistance of experts regarding issues related to occupational safety and health, and furthermore, to conduct discussions on such issues with the supervisory agencies.
- (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 consent of the labor safety representative (committee) is required for having such regulations issued.

LSA - Section 73.

- (1) Employers shall take measures or respond within 8 days to the initiatives of labor safety representatives defined in Paragraphs c)-e) of Subsection (2) of Section 72.
- (2) If they disagree with an initiative, employers shall explain their position in writing, with the exception of cases requiring immediate action.

LSA - Section 74.

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 of Labor fails to agree, the labor safety representatives (committees) may initiate a collective labor debate as described in the Labor Code.

Decree - Section 11.

If the proposal for the implementation of a local labor safety program is rejected by the employer, a collective labor debate may be initiated against the employer if such employer falls under Class 1 hazard category, as described in Schedule No. 2, and has more than 50 employees, or if falls under Class II hazard category and has more than 300 employees.

LSA - Section 75.

(1) Employers shall ensure the conditions in order that labor safety representatives may exercise their rights, particularly a) leave of absence with average pay, as necessary for the procedures justified; b) the necessary equipment; c) the opportunity to attend, within one year of being elected, a training course of at least 32 hours

during an election cycle, or 8 hours, if the labor safety representative has specialized labor safety qualification.

(2) The costs involved for the execution of the provisions of Subsection (1) shall be borne by the employer.

LSA - Section 76.

(1) Labor safety representatives (committees) shall exercise their rights in accordance with the designated purpose, and may not be discriminated against because of such.

(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) In respect of the labor law protection of labor safety representatives, the provisions pertaining to elected trade union officials shall be duly applied, whereby the committee shall be construed as the immediate higher trade union organ, or in the absence thereof, the body of employees who elected the labor safety representative.

LSA - Section 77.

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

Labor Safety Committees

LSA - Section 78.

National interest reconciliation related to occupational safety and health shall be performed by the Labor Safety Committee, 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.

LSA - Section 79.

Within the framework of its activities relating to occupational safety and health, the Labor Safety Committee shall

- a) be entitled to negotiate and evaluate any and all issues submitted by its members, furthermore, to 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;
- b) take part in the elaboration and supervision of the national labor safety program;
- c) adopt recommendations concerning labor safety requirements exceeding those contained in labor safety regulations;
- d) make proposals, within the framework described in Section 80, for the appropriation - by way of tender - of proceeds from the penalties imposed by the supervisory boards, and shall support the labor safety information network by providing comments and information from its own database.

Appropriation of Proceeds from Penalties

LSA - Section 80.

- (1) The fines imposed by the supervisory boards under Subsection (1) of Section 82 shall be paid to the treasury appropriation account of NOSLA. Debts owed to the account under such title shall be construed as debts to be collected as taxes.
- (2) Half of the proceeds from the penalty payments described in Subsection (1) above shall be allocated by public tender exclusively for the objectives of occupational safety and health, while the remaining portion shall be used for the operation of the central labor safety public information system

[Paragraph e) of Subsection (1) of Section 14].

- (3) The Minister of Social and Family Welfare shall decree Ž in agreement with the Minister of Health and the Minister of Economic Affairs Ž the detailed regulations of the tender and information systems described in Subsection (2).

Chapter VII. ADMINISTRATIVE SUPERVISION OF LABOR SAFETY

LSA - Section 81.

- (1) The promotion and supervision of the enforcement of labor safety regulations shall, in general, be performed by NOSLA, the Medical Officer's Service, by the mining bureaus and by the local branches of such (hereinafter jointly referred to as "supervisory agencies") having the legal status and jurisdiction established by this Act and in other legal regulations.
- (2) The supervisory agencies shall assist the employers, employees and labor safety representatives, furthermore, interest representation organizations by providing information and consultation in order to promote their ability to exercise their rights and to fulfill their obligations related to labor safety.
- (3) The supervisory jurisdiction of the supervisory agencies shall extend to: a) fulfillment of the duties and obligations of employers and employees in connection with occupational safety and health; b) enforcement of the requirements related to the establishment of workplaces, operation of work equipment, technological processes and materials applied, and to personal safety equipment;

c) investigation, reporting and registration of industrial accidents and occupational diseases, as well as measures taken in the interest of prevention.

(4) The supervisory agencies shall be entitled to a) apply the measures and penalties defined in this Act and in other legal regulations, in the

interest of eliminating the deficiencies revealed in the course of their investigation; b) grant the exemption described in Subsection (2) of Section 22.

LSA - Section 82.

- (1) The supervisory agencies shall impose labor safety fines against the employers failing to fulfill the requirements of occupational safety and health, and thereby gravely endangering the life, limb or health of employees.
- (2) Labor safety fines amounting to between 50,000 and 10,000,000 HUF may be imposed.
- (3) The supervisory agencies 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.
- (4) Based on the proposal of the inspector revealing the case of serious hazard, labor safety fines shall be imposed by the head of the competent county (Budapest) branch, or by the local chief medical officer in the sphere of competence of the Medical Officer's Service as the authority of the first instance, based on the extent of the hazard and by weighing the personnel and material circumstances related to the negligence.

Special Regulations Pertaining to the

Jurisdiction of NOSLA, and its County (Budapest) Occupational Safety and Labor Boards

LSA - Section 83.

Under its competence as the authority of the first instance, NOSLA shall

a) carry out the licensing procedures regarding the activities of labor safety experts falling outside the competence of the Hungarian Association of Engineers and maintain the register of such licenses in accordance with the decree of the Minister of Employment and Labor.

Decree - Section 12.

(1) Labor safety expert activities may be conducted on the basis of a license issued by the National Occupational Safety and Labor Administration for the fields described in Schedule No. 6.

- (2) A person applying for an expert license shall have a university (college) degree for his field of specialization, with the exception of Subsection (3), and advanced labor (occupational) safety training, at least 5 years experience in labor safety and the conditions prescribed in other legal regulations on expert activities, and in respect of technical and engineering fields, shall have membership in an engineering or architectural chamber.
- (3) Under special circumstances, an expert license may be issued to a person without a higher education degree or special training, as stipulated by Subsection (2), yet in compliance with the conditions prescribed in the separate legal regulation on expert activities, and has received a labor safety expert license prior to this Decree entering into force on the basis of ME Decree No. 4/1985 (II. 21.).
- (4) Applications shall contain the field of specialty described in Subsection (1), with the relevant sector indicated as well, while attested copies of the documents and certificates pertaining to the conditions set forth in Subsections (2)-(3) shall also be attached along with a detailed description of previous experience.
- (5) The expert license shall be revoked if such circumstances are subsequently revealed, according to which the conditions for having the license issued were not satisfied; it may also be revoked if the license holder conducts his expert activities in deviation from the provisions of the license, or fails to comply with the requirements prescribed in this Decree and in other legal regulations on expert activities.
- (6) A person having official jurisdiction in connection with labor safety [Subsection (1) of Section 81 of LSA] shall not be engaged in labor safety expert activities at employers under his area of competence.

Decree - Section 13.

- (1) A fee of HUF 5, 000 shall be paid for each labor safety expert license issued, with an additional fee payable for registration. Such fee shall not be refunded if the application is rejected.
- (2) The National Occupational Safety and Labor Administration shall publish the list of registered labor safety experts along with the license expiration dates in its official publication once a year.

b) issue certificates of qualification for personal safety equipment.

LSA - Section 84.

(1) Inspectors of the county (Budapest) occupational safety and labor boards shall be entitled to the following as authorities of the first instance: a) to compel employers, with regard to work places, to provide information in writing concerning

their compliance with specific occupational safety requirements;

b) to hold inspections at all workplaces within their fields of competence, without a special permit;

c) to investigate industrial accidents, with the exception of those related to public roads and air transport, without prejudice to the employers' responsibility;

d) to instruct employers to satisfy the requirements of occupational safety and health;

e) to oblige employers to eliminate any deficiencies which are determined, within the deadline specified;

f) to prohibit employees from working under conditions which are in grave violation of the regulations pertaining to occupational safety and health;

g) to order the suspension of hazardous activities, and/or the operation and use of divisions, sections and work equipment in the event of any imminent hazard directly threatening the health and physical integrity of employees, until such hazard is eliminated;

h) to order the investigation described in Subsection (2) of Section 23;

i) to order an investigation regarding the reporting or investigation of an industrial accident, if the reporting or investigation was neglected, or was not performed in accordance with the provision of legal regulations;

j) to suspend the operation and use of work equipment and personal safety equipment if the document defined in Subsections (3) and (4) of Section 18 is not provided;

k) to compel 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 act in accordance with other legal regulations pertaining to violations of regulations.

(2) Inspectors shall investigate reported serious industrial accidents, without prejudice to the responsibility of employers.

(3) Inspectors shall be authorized to order the immediate execution of their decisions as described in Paragraphs f), g) and j) of Subsection (1).

LSA - Section 85.

a) In administrative matters, the President of NOSLA shall function as the superior organ with regard to the decisions passed by the head of the county (Budapest) agencies, or by NOSLA.

b) NOSLA shall act as the superior organ of inspectors in administrative matters.

LSA - Section 86.

The administrative competence of NOSLA and of the county (Budapest) occupational safety and labor boards shall not include the supervision of radiological hygiene duties related to labor and radiological protection defined in other legal regulations, as well as the use of atomic energy, the administrative matters falling under the competence of mining bureaus, furthermore the armed forces and law enforcement agencies regarding which the competent Minister shall exercise labor safety regulatory control activities.

Chapter VIII.

INTERPRETATIVE PROVISIONS

LSA - Section 87.

For the purposes of this Act

1. 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. 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. Risk: the probability of the materialization of the hazard, i. e. the occurrence of the detrimental effect.

- 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. 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. 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), unless the accident involved a vehicle owned or rented by the employer.

Mining accident: the accident which occurred at any employer in the course of mining activities.

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

a) it caused the death of the injured party (an accident as a result of which the injured person dies within 90 days as established in the medical expert report shall also be considered a fatal industrial accident), death of a

woman's fetus or newborn baby, or resulted in a permanent handicap depriving the person of an independent life;

b) resulted in the loss of any sense organ (or perceptual ability) 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; d) caused serious mutilation, loss of the major part of a thumb or arm, or two or more toes (also

more serious cases); 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. 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 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.
 - 6. Employee: a person who performs work within the framework of organized employment.
- 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. 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, and the placement agency, as well as person providing hands-on vocational training and any private entrepreneur who does not employ others and performs his work solely by himself shall also be construed as 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.
 - 9. Organized employment: work performed in employment relationship, in the legal relationship of public service and public employment, in the legal relationship of employment nature in the case of cooperative membership, in pupils' and students' legal relationship in the course of practical training, in a penal institution legal relationship (in pre-trial detention, as a convict), on the basis of administrative orders, by members of the armed forces, law enforcement, professional State and professional local government fire brigade service and other security organs in their service relationship, work performed in civil service, as well as social work initiated, managed or approved by the employer.
 - 9/A. Business location: shall mean a place of operations (work place) other than the employer's home office, including branches.
- 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. Hazardous: a facility, piece of work equipment, work procedure or technological process, which is deemed to cause serious damage to the health or physical integrity of an employee in the absence of appropriate protection.
- 12. Hazardous material: any material or preparation which may represent a source of hazard by virtue of its physical, chemical or biological attributes, particularly

-explosive,- oxidizing,

-flammable,

- radioactive,

-toxic,

-corrosive,

-irritant,

- - sensitizing,
- - infectious,

-carcinogenic,

-mutagenic,

-teratogenic,

- harmful to reproduction (including spontaneous abortion, premature birth and the retarded

development of the fetus, a well), and - otherwise harmful materials.

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, = 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.

Decree - Section 13/A.

For the purposes of this Decree a person who is unable to perform work due to an injury resulting from an accident or an impaired in his health which requires medical treatment or rehabilitation, irrespective of whether he receives sick pay for such period or not, shall be considered disabled.

CLOSING PROVISIONS

LSA - Section 88.

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

(2) The detailed rules contained in Subsection (3) of Section 19, Subsections (1), (3), (5) and (6) of Section 21, Section 24, Section 25, Sections 31 to 34, Subsection (1) of Section 40, Section 43, Subsection (1) of Section 44, Subsection (1) of Section 45, Section 50, Section 56 and Section 60 of this Act, not affecting the separate regulation referred to in Section 47, shall be defined by the Minister of Public Welfare in agreement with the Minister of Labor, and with regard to the activities falling under the scope of Act XLVIII of 1993 on Mining in agreement with the Minister of Labor and with the Minister of Industry, Trade and Tourism.

(3) Simultaneously upon this Act entering into force

MT Decree No. 47/1979 (XI. 30.) on Labor Safety, and the legal regulations on the amendment and execution thereof:

- MT Decree No. 64/1980 (XII. 29.),

- - MT Decree No. 18/1984 (III. 31.),
- - MT Decree No. 12/1985 (III. 14.),
- - MT Decree No. 4/1987 (II. 9.),
- - MT Decree No. 63/1989 (VI. 30.),

-Paragraph a) of Subsection (2) of Section 3 of Government Decree No. 96/1991 (VII. 23.) Korm.,

-BkM Decree No. 4/1986 (IV. 15.),

- EüM Decree No. 10/1981 (IX. 17.), and EüM Decree No. 2/1986 (IV. 7.) on the amendment thereof,

-ÉVM Decree No. 5/1986 (V. 7.),

- IpM Decree No. 3/1986 (II. 27.), and IpM Decree No. 2/1990 (II. 16.) and IKM Decree No. 2/1990

(VIII. 21.) on the amendment thereof,

-KM Decree No. 3/1986 (III. 9.),

-KkM Decree No. 2/1986 (IV. 1.),

- - MÉM Decree No. 4/1986 (III. 9.) and MÉM Decree No. 13/1990 (IV. 30.) on the amendment thereof, and Section 6 of Government Decree No. 19/1992 (I. 28.),
- -MM Decree No. 9/1981 (VI. 13.) and ME Decree No. 2/1986 (III. 20.) on the amendment thereof,
- -PM Decree No. 1/1982 (I. 1.) and PM Decree No. 4/1990 (II. 7.) on the amendment thereof,
 - - ME Decree No. 4/1985 (II. 21.) on Labor Safety Experts,
 - - ME Decree No. 7/1985 (VII. 20.) on Labor Safety Qualification,
- - ME Decree No. 9/1985 (VII. 20.) on Labor Safety Education and Examinations, and SZEM Decree No. 18/1989 (VII. 4.) on the amendment thereof,

- ME Decree No. 3/1987 (XI. 4.) on the Investigation, Reporting and Registration of Industrial Accidents, and SZEM Decree No. 5/1989 (III. 1.) on the amendment thereof,
- the first sentence of Section 2, Section 3, Subsection (1) of Section 7, Subsection (1) of Section 11, Subsection (1) of Section 19, Subsection (1) of Section 20, Section 23 and Section 24 of EüM Decree No. 2/1981 (II. 7.) on the General Health Requirements for Workplaces,
- MP Decree No. 2/1986 (IX. 17.) on Labor Safety,
- HM Order No. 30/1981 (HK. 18.) on Labor Safety and HM Order No. 26/1984 (HK. 15.) on the amendment thereof,
- IM Order No. 108/1987 (IK. 7.) on Labor Safety, furthermore, Government Decree No. 98/1990 (XI. 28.) on the National Occupational Safety and Labor Administration,
 - - IpM Decree No. 22/1982 (XI. 26.) on Labor Safety in Small Enterprises,
 - - BkM Decree No. 19/1982 (XII. 27.) on Labor Safety in Private Trade,
- Subsection (2) of Section 65 and the text "- (2)" in Paragraph c) of Section 197 of Act XXII of 1992 on the Labor Code shall be repealed.

(4)

- (5) Wherever workers' health service is mentioned in legal regulations, it shall be interpreted as occupational health service, while workers' physicians shall be interpreted as occupational health physicians.
- (6) Wherever the National Labor Safety and Labor Administration is mentioned in legal regulations, it shall be interpreted as the National Occupational Safety and Labor Administration.
 - (7) Within the framework of Section 3 of Act I of 1994 promulgating the Europe Agreement establishing an association between the Republic of Hungary and the European Communities and their Member States, signed in Brussels on 16 December 1991, this Act contains regulations designed to approximate Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work and 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.
 - (1) This Decree shall enter into force on 1 January 1994.
- (2) Labor safety expert licenses issued on the basis of ME Decree No. 4/1985 (II. 21.) and the qualification certificates issued on the basis of ME Decree No. 7/1985 (VII. 20.) prior to this Decree entering into force shall remain valid until the date and under the conditions defined therein.

Decree - Section 14.