

# Health and Safety Representation

Elected health and safety representatives are the main way that the interests of employees are represented in the area of health and safety in Hungary. However, in larger employers there is also a joint health and safety committee, made up of representatives of both sides.

## Basic approach at workplace level

The employer has a duty to ensure the existence of healthy and safe working conditions. However, employee health and safety representatives should cooperate with the employer in order to achieve this.

## Employee health and safety bodies

The main structures representing employees in the area of health and safety are health and safety representatives (munkavédelmi képviselő), who can come together in their own employee-only health and safety committee (munkahelyi munkavédelmi bizottság), and, in larger employers, the joint health and safety committee (paritásos munkavédelmi testület) made up of representatives of both employees and the employer.

## Numbers and structure

There is an obligation to have health and safety representatives in all organisations with 50 or more employees. In smaller organisations health and safety representatives must be elected if the local union organisation, the works council or a majority of employees want this. If there are no health and safety representatives, the employer should inform and consult the employees directly on health and safety issues.

Where there are three or more health and safety representatives, they can set up an employee-only health and safety committee, which the employer must attend if requested. This committee has the same rights as the health and safety representatives and is different from the joint health and safety committee – see below.

In organisations with 50 or more employees and where there are health and safety representatives, the employer should set up a joint health and safety committee with an equal number of representatives of the employer and the employees. The legislation states that the committee chair should alternate between a representative of the employees and the employers, but it leaves other matters, such as the number of the members, the rules of procedure and the precise activities of the committee, to be agreed between the employer and the employees' representatives. Health and safety specialists employed by the company should also participate regularly in this joint committee.

## Tasks and rights

The health and safety representatives or members of the employee-only health and safety committee have the right to monitor compliance with the appropriate health and safety obligations, and in particular to monitor:

- whether workplaces, work equipment and personal protective equipment are in safe condition;
- whether measures to safeguard health and prevent accidents have been carried out;
- whether employees have been trained and prepared to enable them to work safely.

In particular health and safety representatives or members of the employee-only health and safety committee may:

- enter the workplaces they cover during working hours and obtain information from employees working there;
- participate in the preparation of decisions by the employer that might have repercussions on employees' health and safety;
- request information from the employer concerning any issues related to healthy and safe working conditions;
- express opinions and make proposals to the employer;
- participate in accident investigations of occupational accidents and, where appropriate, in the investigation of the causes of occupational diseases;
- refer justified cases to the health and safety inspectorate.

They can also discuss health and safety issues with the labour inspectorate and, subject to the employer's agreement, ask for experts for advice.

The employer must respond to any request for information or proposal for action within eight days. If the employer decides not to provide the information or agree to the proposal, this refusal must be explained in writing.

The health and safety representatives can also propose that the employer draws up a health and safety programme. If the employer refuses to do this and is of a certain size (this varies according to the nature of the hazards in the company), the health and safety representatives can initiate a collective labour dispute, which involves the intervention of a mediator.

Internal health and safety rules can only be issued with the agreement of the health and safety representatives or the employee-only health and safety committee.

The joint health and safety committee should:

- assess the health and safety situation in the company and measures that could be taken to improve it at least once a year;
- discuss the company's health and safety programme and monitor its implementation; and
- comment on any internal health and safety regulations.

The joint health and safety committee should not affect the operation of the health and safety representatives.

## Frequency of meetings

The legislation does not lay down rules on the frequency of meetings other than stating that the joint health and safety committee should review the health and safety situation at least annually.

## Election and term of office

Where there are 50 or more employees an election by secret ballot must be organised to choose one or more health and safety representatives. In organisations with fewer than 50 employees an election to choose a safety representative must be organised if this is requested by the local union or by the works council or by the majority of the employees. Candidates must have at least six months' service, although this does not apply in newly established companies.

The term of office is five years.

Members of the joint health and safety committee (both full members and substitutes) are chosen by secret ballot of the health and safety representatives from among themselves. They also serve for five years.

## Resources and time off

Health and safety representatives and committee members are entitled to sufficient paid time off to undertake their duties. Members of the joint health and safety committee are entitled to paid time off equivalent to a least 10% of their monthly working hours.

Health and safety representatives are also entitled to 16 hours of training in the first year following their election and eight hours annually in subsequent years. This training is paid for by the employer and should be conducted during normal working time.

**Protection against dismissal**

Health and safety representatives should not be disadvantaged because of the exercise of their duties and have the same protection against dismissal as local union representatives or members of the works council. This means that they can only be dismissed if the health and safety committee agrees or, if there is no committee, with the agreement of the employees who elected them.

**Key legislation**

Act No. 93 of 1993 on Occupational Safety and Health, as amended

1993. évi XCIII. Törvény a munkavédelemről a végrehajtásáról szóló 5/1993. (XII. 26.) MüM rendelettel egységes szerkezetben

L. Fulton (2013) Health and Safety Representation in Europe. Labour Research Department and ETUI (online publication prepared for worker-participation.eu)