

Labour Inspection Country Profile: Hungary

Labour Inspection Structure and Organization

On 31 December 2011, the former National Labour Inspectorate (OMMF) was integrated into the organization of the National Labour Office (NMH).

The NMH has a professional autonomous branch called the "Occupational Safety and Health and Labour Inspections Directorate" (NMH-MMI).

The NMH is under the direct supervision of the Ministry for National Economy, which is responsible for the general planning of the Hungarian economic policy and the implementation of the national economic strategy. The Ministry's mandate includes fields such as job creation, taxes, competitiveness, budget preparation, reducing the national debt and stimulating economic growth.

The head of the NMH (director) and of the NMH-MMI (deputy director) is appointed by the Minister of National Economy.

On 31 December 2010, the former territorial offices of the OMMF were integrated into the newly established territorial Government Offices (based in the capital Budapest and each of the 19 counties of Hungary) as professional autonomous Labour Inspection Units.

The NMH and the Labour Inspection Units of the Government Offices have responsibility to perform general inspections on compliance with labour law regulations, occupational safety and health and other related labour issues.

Name of institution that manages work issues

[Nemzeti Munkatügyi Hivatal](#) (National Labour Office)

Department responsible for labour inspection and scope

The National Labour Office is headed by a Deputy Director and is the main body that monitors labour issues. It is responsible for the management of the Labour Inspection Units of the Government Offices. The adjudication of appeals against administrative decisions falls within the competence of the Department in addition to the preparation of necessary enforcement measures.

Laws that cover organization and functional composition

The legal status, duties and scope of authority of the OMMF are defined by:

Act XCIII of 1993 on Work Safety (MVT), as amended.

Act LXXV of 1996 on Labour Inspection (MET), as amended.

Government Decree No. 295/2006 (XII.23.) on the Hungarian Labour Inspectorate.

Government Decree No. 288 of 2010 on Government Offices.

Scope of labour inspection

The scope of labour inspectors' authority is regulated by paragraph 3 of Act LXXV (1996) (MET) according to which labour inspection also includes the examination of compliance with provisions of collective agreements on wages, working hours, rest periods, overtime and paid leave. Moreover, labour inspectors monitor compliance with occupational safety and health regulations and labour laws. Over and above inspections, inspectors are responsible for labour law compliance with respect to the organization of trade unions, the protection of elected trade union officials, members of workers' councils, civil servants' councils and safety representatives, and also for checking the rules regarding their allowance for working hours.

The NMH-MMI provides data on workers employed without work contracts and non-registered workers, at monthly intervals (see Section 8 of the MET), which enables the National Employment Agency to verify eligibility for job seekers' allowances and working age benefits.

The labour inspectorate keeps an official register with the names of all offenders. This is to make sure that the violations are rectified. The register is also important because violating employers may be excluded from state subsidies and public procurement biddings (see Paragraph 8(C) of the MET).

Local divisions

The Government Offices of the Counties and the Capital have territorial competence for the county/capital where they are located. They are governed by the Ministry of Public Administration and Justice. The territorial competency of the Labour Inspection Units follows that of the Government Office where they reside. The Labour Inspection Units are controlled and supervised by the NMH-MMI, but administratively managed by the Government Office (Government Decrees No. 323 of 2011 and No. 288 of 2010). The heads of the Labour Inspection Units (Directors) are appointed by the head of the Government Office to which they belong.

In total, there are 20 Labour Inspection Units throughout the country including the capital and the counties.

Programming and communication

The electronic network plays a fundamental role in the coordination between the NMH-MMI and Labour Inspection Units. It enables exchange of information and close professional cooperation. The basic form of communication is correspondence, including e-mails and telephone calls. In the programming of visits the experience of internal audits under the local inspection system is also of vital importance.

Human resources and career development

Currently, there are about 400 inspectors (including OSH and labour inspectors) in the country. From a legal point of view, labour inspectors have the status of civil servants. Since qualified labour inspectors are not available on the labour market, the OMMF introduced a standardized system for educating and training labour inspectors. The respective manual comprises the curriculum, the professional requirements and the examination requirements. In preparation for the exam, mentors provide support for a period of six months. Only persons who have completed the course and have successfully passed the inspector exam are allowed to carry out the full-fledged inspector functions.

Permanency of inspectors

Inspectors are civil servants (see Act CXCV. of 2011 on public officials (KTTV)). The KTTV stipulates that civil servants can be promoted to the position of counsellor. Inspector trainees receive direct support from their mentors. To maintain and refresh the knowledge of inspectors the Hungarian labour inspectorate organizes continuous training and information activities, publishes new guidelines and updates previous ones on a regular basis. An EU financed development programme along with the professional coaching of the NMH-MMI ensures the development of the next generation of leaders.

Selection process

The assessment and selection of candidates is based on the presentation of a qualified application and personal interviews. Competency based tests as well as personality/behaviour-based questionnaires provide further considerations for selection.

Background required

Labour inspector candidates must have a degree either as a lawyer or an engineer or equivalent academic or professional qualification in labour relations, public administration and/or human resource development.

Visits and functions

Types of visits

Different types of visits are conducted to secure compliance with the law. Inspectors carry out visits in response to complaints. In addition, they perform scheduled and unplanned inspections. They also carry out joint inspections with partner authorities (e.g. tax authority, police).

Role of preventive measures

By virtue of its official powers, the OMMF primarily checks if employers comply with the provisions of labour law, and in cases of non-compliance, it takes enforcement measures within its competence to eliminate the identified violations.

In minor cases of breach, inspectors issue improvement notices drawing the employers' attention to the infringements and requesting them to rectify the breach within a given time. Upon expiration of the allocated time, the authority verifies whether the obligations indicated in the inspection notice have been fulfilled. The NMH-MMI also participates additional inspection actions performed jointly with other partner authorities.

Programming

The organization of inspections is based on:

a) A nationwide Inspection Directive.

This Directive is prepared by the leader of the labour authority (typically the deputy director of NMH-MMI) and published in the official gazette of the Ministry of National Economy every year. In this Directive, the leader of the NMH-MMI determines the main features, goals and characteristics of the occupational safety and health and labour inspections to be carried out by the Labour Inspection Units of the Government Offices without any further specification or individualization.

b) A targeted annual inspection plan

This plan is created by the leader of the NMH-MMI and further specifies the inspection requirements and targets according to the labour market characteristics of the counties and the capital. In some years, the quantitative targets were set by county, in others, these targets were set according to the number of inspectors.

c) Casual Inspection Orders.

Casual inspections may be ordered by the leader of the labour authority in cases deemed to need a national or regional labour inspection response. Such inspections might target specific employers, sectors or labour law topics. These inspections are carried out to prevent potential violations in hazardous situations and to keep violations down when there is a fear that they might proliferate.

The goals and means of the nationwide Inspection Directive, the targeted annual inspection plan and the Casual Inspection Orders are meticulously selected by NMH-MMI experts. The documents are mainly based on experiences and observations gained from recent years' inspection results, the labour registry database and other relevant feedbacks from the social and economic fields.

d) Inspection Plans of the Labour Inspection Units.

The Directors of the Labour Inspection Units are authorized to develop inspection plans for their own jurisdiction. In these plans (typically one or two weeks) the Directors may target inspections of specific employers, areas or sectors, etc. They may also assign specific tasks to labour inspectors. These plans are subsidiary to those mentioned in paragraphs a, b and c above.

e) Complaints.

Complaints from employees, citizens or anonymous denunciations may also serve as a basis for planning labour inspections activities (Sections 141-143 of the Act XXIX of 2004).

f) Information from other authorities.

Other authorities (e.g. National Tax and Customs Administration, Police, Hungarian Authority for Consumer Protection) also provide important data on employers, sectors or geographic regions where violations of labour provisions and other infringements occur or have a higher frequency.

Registries and reporting of accidents /diseases at work

Issues related to work accidents are regulated by Act XCIII of 1993 on Work Safety and the Ministry of Labour Decree 5/1993(26. XII) concerning its implementation. The labour inspector's scope is limited exclusively to the investigation, registration and processing of occupational accidents involving more than three days of work incapacity. Hungarian employers are required by law to report, investigate and register labour accidents and occupational diseases. Labour accidents involving work incapacity must be investigated promptly by the employer and the results of the investigation must be documented in a work accident report/minute.

The employer is obliged to immediately report severe occupational accidents to the Occupational Health and Safety Authority. The official supervision of occupational safety and health of the Hungarian Occupational Safety and Health Authority includes investigation, reporting and registration of occupation accidents, diseases and increased exposure, as well as actions aimed at preventing these situations.

Sanctions and administrative processes

The inspectors' scope of competency is regulated by the labour inspection law (MET). In case of labour legislation violations, labour inspectors are entitled to suggest the imposition of fines to the competent head of the regional labour inspectorate. They are even obliged to propose penalties for certain types of infringements. The heads of the regional labour inspectorates impose fines based on these suggestions. Inspectors can undertake follow-up visits to check to see if employers have fulfilled their obligations as indicated in the improvement notices. In cases where penalties imposed have not been paid by the employers, inspectors have the power to initiate the collection of overdue amounts. Since arrears are considered as public debts that can be collected as tax, the assistance of the tax authorities can be requested in such cases. In cases of less severe violations, inspectors issue compulsory improvement notices and call the employers' attention to the area of non-compliance and the requirement to rectify the violation.

Social dialogue and labour inspection

The tripartite Council for the Support of Labour Inspection was established to help the labour inspectorate improve its effectiveness in consultation with the social partners.

ILO Conventions ratified

Hungary ratified both ILO Conventions No. 81 (Labour Inspection) and No.129 (Labour Inspection in Agriculture) on 4 January 1994.