

Hungary's contribution on the implementation of the agreed conclusions on 'Women's economic empowerment in the changing world of work', adopted by the Commission on the Status of Women at its sixty-first session, in March of 2017

1. Strengthening normative and legal frameworks (paragraphs 40 (a) to (j))

What specific actions have been taken to enact, strengthen and enforce laws and regulatory frameworks that ensure gender equality and prohibit discrimination against women in the world of work?

Negative discrimination is prohibited by the Hungarian legal system at different levels. According to *Article XV Section (2) of the Fundamental Law of Hungary*, fundamental rights shall be guaranteed to everyone without discrimination based on any ground such as race, color, **sex**, disability, language, religion, political or any other opinion, ethnic or social origin, wealth, birth or any other circumstance whatsoever. As it is laid down in *Article XV Section (3) of the Fundamental Law*, **women and men shall have equal rights.**

Concerning employment relations, **Section 12 of Act I of 2012 on the Labour Code (the Labour Code)** sets out that equal treatment shall be provided in employment relationship, and especially regarding the remuneration of work. Remedying the violation of the requirement of equal treatment shall not violate and restrict other employees.

The detailed rules serving the principles contained in the Labour Code are set out in Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (the **Equal Treatment Act**). The provisions of the Labour Code and the Equal Treatment Act must be respected by the parties in terms of both their employment contract and collective agreement. The system of rules in the Labour Code and the Equal Treatment Act, along with the legal redress mechanism operating on their basis, provides **sufficient guarantees for women against discrimination.**

The violation of equal treatment is an unlawful conduct according to national law. Consequently, the party involved may turn to court. Both material and non-material damages incurred in **violation of the requirement of equal treatment can be enforced at Hungarian courts.** The employment relationship may be restored if its termination violated the requirement of equal treatment. Furthermore, the party concerned may claim personality rights and may also turn to the **Office of the Commissioner for Fundamental Rights of Hungary.** (http://www.ajbh.hu/en/web/ajbh-en/main_page)

Under Section 285 (1) of the Labour Code, employees may pursue their claims at court in case of violation of personal rights, including the right to equal treatment, that is to say, they may give effect to claims by bringing the case before the labour court. In addition to seeking the application of legal consequences in the field of labour law, the employee may also assert at court the claims identified in the Civil Code [Section 2:51-2:53].

The legal provisions of the Fundamental Law, the Labour Code and the Equal Treatment Act mentioned above **did not change in the period under review.**

What specific actions have been taken to enact, strengthen and enforce laws and regulations that uphold the principle of equal pay for equal work or work of equal value in both the public and private sectors?

Section 12 of the Labour Code sets a general rule with regard to the principle of 'equal pay for equal work' valid for all categories of workers. In this regard, all direct or indirect benefits provided in cash and in kind on the basis of the employment relationship qualify as wage or salary. In addition to the general rules, Section 12 (3) states that 'the equal value of work' for purposes of the principle of equal treatment shall be determined based on the nature of the work performed, its quality and quantity,

working conditions, the required vocational training, physical or intellectual efforts expended, experience, responsibilities and labour market conditions. This list is non-exhaustive.

In the private sector, the setting of wages is based on the contractual freedom of the parties (employer and employee). The Government has not implemented any measures concerning the private sector, having regard to the fact that the state does not wish to intervene in the private law relations of the parties. The **classification and pay scale systems operated in the public sector** are being reformed step by step, mainly in the scope of the career programmes. **Statutory classification and pay scale systems operated** in all areas of the budgetary sector do not differentiate between men and women.

What measures have been taken to enact, strengthen and enforce laws and policies to eliminate all forms of violence and harassment against women in the world of work and provide means of effective redress in cases of noncompliance?

In Hungary, the issue of the prohibition of harassment at work has been regulated by the Equal Treatment Act and by the Act on Occupational Safety and Health. Harassment is also a criminal offense; consequently, Act C of 2012 on the Criminal Code sets out appropriate rules in this regard.

The **prohibition of harassment** covers direct conduct including action, condition, omission, instruction, and practice. Harassment at work or sexual harassment may also be established if the violation occurs immediately after the end of working hours, in an organized or spontaneous social gathering between employees, if it is settled in connection with the employment relationship.

In order to ensure adequate redress, the **Commissioner for Fundamental Rights investigates** whether the requirement of equal treatment has been violated and **may bring an action to court** under the public interest right **to protect the rights of individuals and groups whose rights have been violated**. The claim can also be enforced in court by the injured party.

The **Equal Treatment Authority published booklets in 2017: Prevention of Harassment at Work and Forms of Enforcement**. The Authority provides expert information for the development of law-abiding behaviour by publishing the experience of the application of the provisions in force, by clearly defining the phenomenon and sharing case law.

There are also occupational safety aspects of this issue. Therefore, **Act XCIII of 1993 on occupational safety** specifying the **employer's task of dealing with psychosocial risk factors** in its statutory regulation, also defined the concept of this factor. The **district offices** of the government offices responsible for the occupational safety and health investigate psychosocial pathological factors affecting employees in the workplace and monitor the fulfilment of employer's obligations.

The delegation of the Hungarian Government **took an active part in the legislative work** in connection with the **Convention No. 190 of the International Labour Organization (ILO) on eliminating violence and harassment in the world of work** and the related Recommendation No. 206. and **voted in favour of the adoption** of both the Convention and the Recommendation at the ILO plenary session on 21 June 2019.

3. Implementing economic and social policies for women's economic empowerment (paragraphs 40 (o) to (mm))

What specific measures have been implemented to promote women's entry, reentry and advancement in the labour market?

When drafting the **Labour Code**, the main goal of the Hungarian government was to **increase employment**. **Our economic and social policy aims to increase the flexibility of the labour market** through labour law and support systems. In order to create flexible employment, the **Labour Code**

allows a wide scope for agreements between the parties by significantly expanding the possibilities of individual and collective autonomy.

Families and especially women are also protected by labour law legislation. To this end, the Labour Code contains numerous specific provisions for the protection of pregnant women and women raising children. Atypical forms of employment promote the alignment of family duties and work.

- As regards **the organisation of working time**, the Labour Code contains an entire set of flexible working arrangements to adapt to the needs of the technological developments (reference period, payroll period, scheduled daily working time, etc.) – with special attention to the sectoral requirements and to the small- and medium enterprises lacking the possibility of regulation by way of collective agreements.
- The Code introduced **new atypical forms of employment** such as work on call, job-sharing, employment relationship established by multiple employers and teleworking.
- Parents are entitled to **extra leave annually**, and both of them are entitled to unpaid leave for the purpose of child-care if they intend to.
- The Labour Code obliges employers to amend the employment contract based on the employee's proposition to **part-time work** until the child reaches the age of four (in case of three or more children up to the age of six). Section 158(1) of Act CXXV of 2018 on Government Administration has a similar provision stating that, at the written request of a full-time government official, part-time work shall be stipulated if the government official is entitled to unpaid leave to care for the child until the child reaches the age of three at the time of the application.
- The Labour Code lays down rules **prohibiting and restricting termination of the employment** regarding to the period of pregnancy, maternity leave, leave of absence taken without pay for caring for a child and receiving and treatment of a women related to a human reproduction procedure as specified in the relevant legislation (for a period no longer than six months from the commencement of such a procedure).
- As regards **rest time and night work**, the Labour Code provides that from diagnosing the pregnancy of the employee until the child reaches the age of three, irregular work schedule may be used only upon the employee's consent, weekly rest days may not be allocated irregularly; and overtime work, stand-by duty and night work cannot be ordered.
- As regards **working time reduction for nursing mothers**, employees are to be exempted from being at the employer's disposal and from their duties for one hour twice daily, or two hours twice daily in the case of twins, during the first six months of **breastfeeding**, and thereafter for one hour daily, or two hours daily in the case of twins, until the end of the 9th month of the child; for this period, they are entitled to absence payment.
- For the protection of mothers caring for children, the Labour Code sets out that from the time her pregnancy is diagnosed until her child reaches three years of age, an employee may not be **transferred to work at another location** without the employee's consent.

The Hungarian legislation thus makes it **possible to adapt to the rapid changes of our time and to work-life balance**.

Women with small children (under 3 years of age) are among the priority target groups of the ongoing **large-scale active labour market programme (Path to the labour market)** funded by the European Social Fund (ESF). Within the framework of the programme, labour market services, wage subsidies, training, support for self-employment, mobility support/housing allowance are provided to women with small children facing challenges in their (re-)entry in the labour market. The programme called **'Supporting the labour market return of parents with small children'**, introduced in 2018, aims to tackle the temporary shortage of state-based nurseries through offsetting the extra financial costs of non-

state-based nurseries. In the framework of the programme, financial support (HUF 40 thousand, approx. 130 USD per month) is provided for those parents who decide to work and leave their children at non-state-based nursery (workplace nursery, family nursery, non-municipal nursery, mini-nursery or day-care), in case no childcare place is available at state-based nurseries in their hometown. Another programme, introduced in 2020, **provides support for gaining a new qualification, up-to-date knowledge and trainings during the period when the parent is entitled to childcare benefits.** Scholarship is granted for low-skilled participants in case of the continuation of their primary or secondary studies. The cost of travel is reimbursed and child-care is ensured during the trainings.

4. Addressing the growing informality of work and mobility of women workers (paragraphs 40 (nn) to (qq))

What measures have been implemented to promote the transition from informal to formal paid employment for women?

According to Section 5(1) of Government Decree No. 115/2021. (III. 10.) on the activities of the labour authority (the **Government Decree**), the powers of the labour authority include the inspection of compliance with the minimum requirements set out in the legal regulations governing the employment relationship. Pursuant to Section 5(2)c) of the Government Decree, minimum requirements include special provisions relating to the employment of women, young workers and persons with reduced ability to work. The Hungarian labour authorities carry out labour inspections regularly in order to detect undeclared or underdeclared work, as well as other irregularities concerning the employment of women.

Measures to help women with children stay in formal employment were introduced in recent years (see our response to question 3).

5) Managing technological and digital change for women's economic empowerment (paragraphs 40 (rr) to (ss))

What specific actions have been taken to support women's access to skills development and decent work in emerging fields, including science, technology, engineering, and mathematics?

Based on the strategy 'Shifting of gears in higher education mid-term policy strategy 2016', the aim is to increase the number of students studying and graduating in mathematics, science, technology and information technology (MTMI). Hungary will aim to increase the share of tertiary graduates in all relevant age groups in the programming period 2021-2027.

The Ministry for Innovation and Technology, in charge of higher education, innovation and research, offers several programmes to enhance participation, including women's participation, in research and the field of STEM. In this respect, a new initiative is planned, entitled **Informatics, Engineering, Agriculture and Science Training Scholarship Program**, aiming to support students in the fields of agriculture, informatics, technology and science, in order to fill the labour market shortage with highly needed professionals. In the case of all fields of study, but especially in the case of science, other objectives are (1) increasing the number of students participating in master's programs, (2) increasing the number of women in this field, and (3) strengthening the supply of teachers and researchers.

Institutional best practices in this regard include the **Know-Ledge** program, which has been initiated by the University of Miskolc, aimed at increasing the number of elementary and secondary school students interested in STEM and in entering higher education. Most of the programs offered in the project has a focus on STEM. One of the subprogrammes of this project, entitled 'MEnök' – Women in the World of Science, includes a publication of a book with interviews with women with outstanding scientific achievements in STEM-related academic fields.

6. Strengthening women's collective voice, leadership, and decision-making (paragraphs 40 (tt) to (aaa))

What specific efforts have been implemented to support women's participation and leadership in trade unions, workers' organizations and employers' organizations?

The Fundamental Law of Hungary guarantees freedom of association. Act CLXXV of 2011 on the Right of Association, the Public Benefit Status and the Functioning of Civil Organisations stipulates that the right of association is a fundamental right for everyone, including the right to form or join organisations or communities with others. The Labour Code lays down guarantees for the right to organise, based on the framework above. The conditions of operation do not discriminate between men and women, either in terms of membership or management.

Measures to promote and protect the work of trade union officers apply equally to all. Nevertheless, there are organisations which already have special women's sections (e.g. the Women's Section of the Hungarian Trade Union Confederation), which are particularly focussed on identifying and solving challenges affecting women in the world of work.

The legislation provides equal conditions for membership and leadership of organisations, irrespective of gender, and the autonomous decision-making mechanisms of the organisations determine the conditions of membership and leadership.

7. Strengthening the role of private sector in women's economic empowerment - Support programmes for women

'Dobbantó' Female Entrepreneurial Program: This competence development program, supported by Budapest Bank, is a twelve-day-long training for the female entrepreneurs and for those who aim to establish an enterprise.¹ The program's goal is to equip participants with solid entrepreneurial knowledge and help build a network. Usually, 20-22 women participate in a course, selected from a 2.5-3 times oversubscription of applicants. In the past 12 years, the program trained about 500 female entrepreneurs, most of them still being active members of the entrepreneurship network. Taking into account the attendees in club events, altogether, 2,000 entrepreneurs participated in this program.

In 2014, this program was included among 12 European 'Best Practices' selected by the European Training Foundation and the European Institute For Gender Equality. A short video introductory video is available at https://youtu.be/uI_e3Fg_X8.

Online Business Model Canvas workshops: This 8-hour intensive workshop leads through the steps of creating a Business Model.

Quick IT and digITall workshops: The Seed Foundation, with the support of the Budapest Bank, launched a 2-session half-day training focusing on Entrepreneurial Digitalization for women entrepreneurs under the name 'QuickIT' in 2020. The goal is for women to increase their competitiveness by improving their digital literacy. Later, SEED has extended the training for 4 days and integrated it into the Dobbantó Program (see above).

National Mentor Program: This 6-12 month-long program connects entrepreneurs who would like to get advice on certain aspects of their company with a mentor. Mentors are volunteering entrepreneurs with significant experience and knowledge who provide guidance to their mentees through monthly meetings. Almost 200 mentees already took part in the programme, all selected via interviews. The National Mentor Program has a subgroup dedicated for female businesses, and 92 of 201 mentees are enterprises led and owned by women. Almost half of the mentors are also well-established female

¹ See at <https://youtu.be/DV2ZQMjelOg>

entrepreneurs who are familiar with and can provide guidance on issues regarding gender differences in business and other issues specific to female-owned enterprises.

Online Entrepreneurial Forum: The Online Entrepreneurial Forum was created in 2020, with the aim of bringing together experts and entrepreneurs on an online forum to share their experiences and knowledge through the presentation of national and international research data and a showcase of individual cases. The SEED Foundation has held 30 of such forums so far, one of them being specifically dedicated to female businesses during the economic crisis.

Successful women's enterprises: Since 2019, SEED issues a call for applications each year to find female entrepreneurial/managerial role models.² The award granted by SEED is beneficial both from the perspective of PR and provides an opportunity for building a network.

² The call for this year is already available at <https://seed.hu/hirek/a-tortenet-folytatodik-sikeres-vallalkozonok-es-noi-vallalatvezetok-kerestetnek-2021-ben-is>