



FINACONT TAX NEWSLETTER

A health and safety representative should be elected above 20 persons



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As of 8 July 2016 every employer meeting the requirements of the term ‘organized labor’ defined in the Act on work health and safety **is required to organize an election of health & safety representative if the headcount exceeds 20 persons.** Before 7 July 2016 this statutory requirement was applied to only those employers whose headcount reached 50 persons (it was possible to initiate a representative election under 50 persons as well, but it was not mandatory).

The reason for the amendment of headcount limit is that due to changes in the economic

circumstances at the end of 2012 the 99,5% of small and medium-sized businesses, nearly 956 300 companies, were such companies who had 49 employees at most, thus it became reasonable to reduce the number of employees required for election of health and safety representative.

The elected health and safety representative shall enjoy the **labor law protection** specified in Subsection (1) of Section 273 of the Act I of 2012 on the Labour Code (Labour Code) in the period of time defined in Subsection (2) Section 273 of the Labour Code. For terminating the employment of the health and safety representative with termination by employer and for any measures of the employer concerning the representative as per Section 53 of Labour Code (employment under conditions other than an employment contract), the consent of the health and safety committee or, if there is no such committee, the consent of the election committee is needed. **The representative is entitled to enjoy this protection during his/her mandate and**

six months after its termination, provided that he/she was representative for at least twelve months.

The health and safety authority imposes penalty on a natural person who impedes the health and safety representative in exercising his/her rights specified in the law on health and safety at work as the representative of the employer, **or takes adverse actions against the representative for exercising his/her rights.**

The penalty imposed may be up to five hundred thousand Hungarian Forint. The penalty can be imposed again for the repeated breach of the same obligation or for the breach of other obligation in the same administrative procedure.

if a health and safety representative has not been elected yet at an employer, the election should be done within six months from the effective date of the legislation, i.e. **until 8 January 2017**. The representative can be elected for 5 years with an equal, secret and direct voting. Employees should be informed on the person of the elected representative.

Please contact our colleagues if you wish to have a detailed interpretation of this legislation as this newsletter offers general understanding.

Should you have any questions, please do not hesitate to contact us.

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