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### NEWS REPORT

<b>Country:</b>	Hungary
<b>Title:</b>	Amendment to the Equality Act
<b>Date:</b>	24 August 2015
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<b><u>Context</u></b>	
<b>Issue at stake:</b>	Definition of 'work relationship' modified by legislative amendments
<b>Ground of discrimination:</b>	Sex
<b>Source:</b>	Legislation
<b>Field:</b>	Employment; equal pay
<b>Applicable law:</b>	Act LXXIV of 2015 on the promotion of employment of students in school co-operatives and of disabled persons in temporary agency work

### Content

**Law development:** Article 3 of Act LXXIV of 2015 came into force on 19 June 2015, and modified the definition of 'work relationship' found in Article 3 (1)(a) of Act LXXV of 2003 (Equality Act), which contains the definition of notions used in the Equality Act. These include the following: work relationship, other relationship for work, Government support, public utilities, non-governmental organisations and trade unions, relatives, claimant, respondent, and violator.

Before the amendment, Article 3 of the Equality Act defined 'work relationship' as: 'employment relationship, public service relationship, civil service relationship, judicial service relationship, judicial employees' legal service relationship, prosecution service relationship, professional and contracted service relationship of soldiers, professional foster parent relationship'. The amendment added to the above listing: 'the legal relationship between the temporary work agency and the employee that falls under the scope of the Labour Code'.

Under the new Paragraph 2, the organisation that hires a worker through a temporary work agency is also considered to be an employer.

The modification now explicitly declares that the legal relationships between the temporary work agency and the employee, and between the employee and the user enterprise, fall under the scope of the Equality Act.

**Key points of analysis:** This modification is technical and formal in nature. The lawful interpretation of the 'employment relationship' (which is part of the category of the work relationship) already covered this type of contract, prior to the amendment. According to Article 218 of the Labour Code, the relationship between the temporary work agency and the employee is considered an employment relationship. Furthermore, Article 219 of the Labour Code obliged both the temporary work agency and the user enterprise to meet

the requirements of equal treatment; and the Article regulated the specificities of this obligation.

The modified notion of 'work relationship', which lists 'employment relationship' and 'the legal relationship between the temporary work agency and the employee that falls under the scope of the Labour Code' is repetitive and confusing in relation to the legal nature of the relationship between the agency and the employee. It implies that the relationship between the agency and the employee is not an employment relationship. Regardless, it would not be included into the listing as a separate entry.

**Internet link source:**

Modified text of Equality Act in Hungarian, providing the text of the Act which is in force, available at: [http://njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=76310.294675](http://njt.hu/cgi_bin/njt_doc.cgi?docid=76310.294675).

Text of Act LXXIV of 2015, available at:

[http://njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=176171.294747](http://njt.hu/cgi_bin/njt_doc.cgi?docid=176171.294747).

Both accessed 24 August 2015.