Appl. 22.100

REPUBLIC OF HUNGARY
National ILO Council
Ministry of Employment and Labour

R E P O R T

for the period 1 June 2002 to 10 May 2003 prepared by the Government of the Republic of Hungary in accordance with Article 22 of the Constitution of the International Labour Organisation on the measures taken to give effect to the provisions of the

EQUAL REMUNERATION CONVENTION, 1951 (No. 100)

(ratification registered: 8 June 1956)

Budapest, September 2003

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I Changes since the last reporting period
There have been no changes in relevant Hungarian legislation regarding the Convention in question since the last report.

II Response to the question on:

reducing the difference in wages of men an women …

The principle of equal wages for work of equal value has been integrated in the Labour Code since 2001. Legislation providing the service relationship *(Act XXII of 1992 on the Legal status of civil servants, Act XXXIII of 1992 on the Legal status of public servants, Act LXXX of 1994 on the Prosecutor's service relationship and data management by the prosecutor's office, Act LXVII of 1997 on the Legal status and the remuneration of judges, Act LXVIII of 1997 on the Legal status of employees in the judiciary system, Act XLIII of 1966 on the service relationship of the professional members of the armed bodies, and Act XCV of 2001 on the Legal status of professional and contracted soldiers in the Hungarian military)* is uniform in not making any distinction whatsoever between the wages of men and women.
Relevant legislation prohibits any unjustified distinction to be applied in the wage determination process between the wages paid to employees for equal work or work recognised as being of equal value. This provision is of general application and allows for no discrimination regarding whether the wage is determined by a body of people or a specific person. The law does not ensure any direct interference into the legal act of determining the wages, there are only general ways available to exercise rights (labour litigation, and/or labour inspection, and implementing the legal consequences of the contravention called *negative discrimination of employees*).
In comparable jobs in 2002 the salaries of women in the competitive sector was below men's salaries by 12,5%, in the publicly financed institution by 14,4% (source: annual

representative datasurvey on salaries of the Employment Office of the Ministry of Employment Policy and Labour)

Methods of cooperation …

§ 16 of Act XXII of 1992 on the Labour code provides the government's obligation to conduct bargaining with national representative organisations of employees and employers on any issue of national significance regarding employment in the National Interest Reconciliation Council (OÉT). The currently effective name of the OÉT is based on subparagraph b) of § 55 of Act XLVII of 2002 on Legislative amendments required by the changes in ministers' tasks and jurisdiction. The previous name was *National Labour Council.*
The methods and terms of such cooperation are specified by the OÉT's rules of procedure.

Question III:

Even though it no longer belongs to the period starting on the date of the previous report until 10 May 2003, we would still like to note as additional information that a position of minister without portfolio was created effective on 19 May 2003 through President of the Republic's decree 78/2003 (V.13.) KE with the aim of promoting the principle of equality of chances, thus, among other things, the principle of equal pay to men and women for work of equal value.

Based on subparagraph d) of para (1) of § 3 of Act LXXV of 1996 on Labour inspection (hereinafter Met) labour inspection extends on controlling compliance with provisions concerning prohibition of negative discrimination. This provision authorises occupational safety and labour inspectors of the county (capital city) inspectorates under the National Labour Safety and Labour Inspectorate to control compliance with applicable legislation. In accordance with para (2) of § 3 of the Met the inspector conducts the inspection as his/her official duty, or, in specifically listed cases – such as negative discrimination – following receipt of the report of the person whose rights have been infringed or lawful interests harmed by the given case.
In accordance with para (1) of § 8 of the Met the inspector and the head of the competent county (capital city) inspectorate conduct the inspection in compliance with Act IV of 1957 on the General rules of the public administration proceedings. That legislation provides that the resolution at second instance reached by the inspectorate may be appealed against in court, and the court may amend the decision at first instance.
In accordance with inspection experience concerning years 2000–2002 related to the employment of women, the number of contraventions among employers violating the rules applicable to this special group of employees follows a downward tendency year on year. This type of contravention represents 0.5% in 2000, 0.3% in 2001, and 0.2%in 2003 (including cases involving employment of young or disabled persons). The following is a tabulated summary of decisions by the labour court:

	2000	2001	2002
Number of decisions by labour court	69	53	43
Ratio as a percentage of all cases	0.5	0.3	0.2

(source: National Inspectorate for Labour and Occupational Safety)

paras (1)-(3) of § 199 of Act XXII of 1992 on the Labour Code (Mt) provides that the employer may instigate a legal dispute to give effect to his/her rights arising from the employment relationship, and the trade union (or the works council representative) may instigate a legal dispute to give effect to their rights arising from this piece of legislation or the provision of this Act.
The employer may also instigate a legal dispute to give effect to his/her rights arising from the employment relationship, unless otherwise provided by the Mt.
Such labour disputes shall be settled by the labour court.

Question IV:
There have been no court decisions to our best knowledge in conjunction with the subject at hand.

Question V:
There have been no changes since last year regarding the practice of applying the Convention.

CONSULTATIONS WITH ORGANISATIONS OF EMPLOYERS AND WORKERS

The tripartite National ILO Council consulted this Report on its session of 25 September 2003 and unanimously adopted the content of the Report.

The National ILO Council is a consultative national forum for social dialogue. Its function is to conduct tripartite consultations as provided by Convention No. 144 on tripartite consultations (International Labour Standards), to promote national measures related to the activity of the International Labour Organisation, to perform other functions defined in the Statutes of the Council. Employer and employee members and deputy members of the National ILO Council are delegated from the following national interest representation organisations:

Employers' organisations:

Union of Agrarian Employers
National Federation of General Consumer Co-operatives
National Association of Industrial Corporations
National Federation of Traders' and Caterers

Confederation of Hungarian Employers and Industrialists
Hungarian Industrial Association
Hungarian Confederation of Utility Companies
National Federation of Agricultural Co-operators and Producers
National Association of Entrepreneurs and Employers

Workers' organisations:

National Federation of Autonomous Trade Unions
Trade Union Group of Intellectuals
Democratic League of Independent Trade Unions
National Confederation of Hungarian Trade Unions
National Federation of Workers' Councils
Co-operation Forum of Trade Unions