



Case study - Hungary

Supporting industrial relations in the field of work adaptation to enable the employment of older or disabled population

Authors: Balázs Bábel, Ambrus Kiss



Project implemented with financial support from the European Union

Table of contents

Executive Summary
1. Background: The situation of older people and disabled workers in Hungarian society and in the world of work
1.1 Definitions and demography
Older population
People with disabilities
1.2 Employers' and trade unions' approach toward work accommodation
1.3 Legislation of work accommodation10
1.4 State policies aiming the facilitation of the employment of disabled and older workers and indirectly work accommodation
2. Social dialogue and work accommodation in Hungary15
Recommendations aiming IR system and social partners' structure
National level cooperation between social partners18
Examples from workplaces18
Cooperation with NGOs
Involving the government
Summary and conclusions
References
Methodology

Executive Summary

The Hungarian labour market suffers from an ageing population, migration of the workforce and as a consequence labour shortage. According to the Hungarian¹ statistics there will be a massive drop in the working age population shortly, when the last baby boom generation is going to retire within the next decade. Realizing the problem, there are signs that the state and other stakeholders, first of all employers' organizations, have started to reach out to underemployed groups, such as older people and people with changed working abilities to alleviate the labour shortage.

Although the expression 'work accommodation' is not common and widely known among the public of Hungary (even a proper and accurate translation does not exist yet), the special possible needs of these groups were realized, and some measures exist already in the legislation. The law acknowledges disabled people as a group, which is entitled to request (reasonable) accommodations since 2012, but it doesn't go into details how to enforce this right or what obligations employers have from this statement. We need to also mention that the legislation recognizes that people over their 50s are disadvantageous at the labour market. Consequently they also need help and supportive measures but the law doesn't provide them legally enforceable rights in this aspect.

Work accommodation is not yet directly²discussed by social partners on national or sectoral level, and one of the reason of this was described as a consequence of the state centered and and the meantime company based social dialogue system. Social partners and NGOs together discussed how to improve this system and they found that to restore the proper sectoral social dialogue, especially in case of Rehabilitation Dialogue Committee would be crucial.

On national level, social partners, employees and employers decided to cooperate to implement properly a European Framework Agreement which aims to facilitate the employment and integration of older workers to the labour market. Also on national level participants agreed that it would be desirable to involve NGOs more to change the thinking on older and disabled workers as civil organizations have the knowledge and know-how about the needs of these groups, especiall when it comes to employees with changed working abilities. Trade unions and employers have relatively small experience with them as their presence at the labour market is currently limited. The involvement of NGOs includes a closer, later maybe formal cooperation to develop information campaigns or a job register which matches the capabilities of the two groups of employees with the needs and possibilities of employers.

¹ http://demografia.hu/hu/tudastar/nepesseg-eloreszamitas

² only undirectly, during the debates on the different pensioner systems

Social partners would also restore some already ceased initiative which came to life earlier by the cooprtation of trade unions, employers' organizations and affected civil organizations with the support of the government. These were special coalitions which worked as a think tank to find ways to help the employment of older workers and this included special steps to change working environment for them to facilitate their concrete work.

Initiatives on company level toward work accommodation were also indentified at the workshops. Employees and employers cooperated to raise the number of disabled workers at the given workplaces by developing an action plan, including the identification of jobs which can be done by diferrent kind of disabilities or the changes in the system of renumeration or the workplaces itself for example with the improvement of accessibility. Senzitizing of employees and employers was also an issue, as this way the acceptance of older or disabled workers is easier and also the identification of their special needs and possible changes in the work environment are smoother.

1. Background: The situation of older people and disabled workers in Hungarian society and in the world of work

1.1 Definitions and demography

Older population

Two issues had to be examined and clarified prior to, and repeatedly during, workshops: i) the notion of older people, older worker/employee and other related terms used in the law, by the participants and the public and ii) the rate of employment of various age groups in Hungary and who these figures cover, taking into account the developed and accepted working definitions for this project.

Eventually, during the discussions with social partners and advocacy organisations (Kornusz Communication, National Association of Pensioners) representing older workers, we agreed to make a clear difference between two groups of the employed: i) those having reached their respective legal pensionable age³ and are (re)employed, they are considered as ageing workers/employees and ii) older workers/employees who still account for active labour force according to law. As regards the latter group, we set 50 years as the lowest age limit.

Our starting point was the Par 20 (4) Act IV of 1991⁴, which describes persons over 50 as being in a disadvantageous position. The crux of this definition is that further acts can be enacted that provide preference, special protection to this group in the labour market by the Government. This lack of mentioning work accommodation as such clarifies that these measures don't apply to older people. Even positive discrimination, based on legislation, currently prevails only for more senior people (55+ and those 5 years prior to their legal retirement age, see more below), the participants in the workshops also drew the line at the age of 50 when interpreting the term 'older worker'. Their reasoning was that beyond that age special measures need to be taken in most branches to allow the person concerned to perform their profession without threatening their health.

One of the positive measures based on the legal authorisation mentioned above is the tax relief⁵ from the social contribution tax, available for employers if they employ people over 55. Another measure

³ 65 years for those who were born after 31 December 1956

⁴ Act IV of 1991 on the promotion of employment and unemployment benefits

⁵ Act CLVI of 2011 on the amendment of certain acts on taxation and other acts related to them, Par 462/B (3); https://www.nav.gov.hu/data/cms279554/Tajekoztato a szocialis hozzajarulasi adobol ervenyesitheto uj a dokedvezmenyekrol.pdf

is the stipulation of the 'sheltered age', the five-year-period prior to legal retirement age, by the Labour Code.⁶(See more on these measures in the chapter below.)

In addition, the notion of 'ageing worker' is also used both by legislation and practitioners, covering those workers/employees having already reached the prevailing (old age) pensionable age⁷. In Hungary today the legal retirement age is 65 years for those who were born after 31 December 1956. Whereas the definition of older workers/employees i.e. those aged 50 is primarily important for employment promotion measures financed from public sources, that of ageing workers/employees is important in terms of the different occupational safety regulations and employment conditions applicable to them. It means that ageing workers cannot be employed in certain jobs, mainly the ones that pose a health hazard or are subject to dangerous workloading.

The number of persons aged between 50 and 65 years of age was 1,966,745 in 2016, i.e. 20% of the overall population according to the Central Statistical Office (Központi Statisztikai Hivatal, KSH)⁸. As for the employment rate, in 2016, it was the highest for the age group of 50-54 (82.3%), then it declined to 70.0 and 32.2% for those aged between 55-59 and 60-64, respectively. The employment rate of those over 65 was clearly very low, 5.3 % (65-69) and 2.6% (70-74)⁹.

There is one more aspect worth considering: whether there is a gap and, if so, how wide compared to other European countries. If considering other EU Member States, the Hungarian employment rate lags behind on average by 8 percent points in the given age group (55-64), while if considering the so called Visegrad countries (Slovakia, Czech Republic, and Poland), our main competitors and sort of benchmarks, our employment rate was 3.8 percent points lower according to data of 2015.

⁶ Act I of 2012 on the Labour Code, Par 66 (4)

⁷ Decree 33/1998. (VI. 24.) NM on the medical examination and review of job, professional and personal hygienic suitability

⁸ https://www.ksh.hu/docs/hun/xstadat/xstadat_eves/i_wdsd009.html

⁹ https://www.ksh.hu/docs/hun/xstadat/xstadat_eves/i_qlf016.html



Hungarian figures, however, should be interpreted from the perspective that in the past years the employment rate increased in all three age groups enumerated above. Considering its dynamism the growth, compared to the period of the economic crisis, was 10 percentage points for the 50—54 age group, 20 percentage points for those between 55 and 60, and almost 13 percentage points for the age group of 60 to 64.

Higher employment rates are mainly due to two factors. First, the Hungarian pension system has been changed considerably, and people who used to be eligible to early retirement have had to stay in the labour market. Secondly, there has been a considerable increase in the demand side having resulted in the peak labour shortage mentioned already. This means as more older workers appeared at the labour market and because of demographic trend there are more to come there is an increased need to address them and apply work accommodation measures.

People with disabilities

The definition of people with changed working abilities in the context of labour market is an even more complex issue than the case of older people. For this reason, it is more difficult to compare the Hungarian data with those of other countries in the European Union. The Fundamental Law (Constitution) of Hungary prohibits any kind of discrimination including discrimination based on disability¹⁰. In addition the Acts referred to above are intended to assist the employment of the disabled and people with changed working abilities, for this purpose the disadvantaged are entitled for additional rights.

In the current analysis, we approach disability as a situation which has an effect on someone's work, his or her access to work. He/she is therefore in a disadvantageous position in the labour market, which has to be addressed by social or legal measures. This is a smaller group of people than people living with disability, as disadvantageous situation of a worker varies by his or her other skills, kind and gravity of disabilities, etc. Labour law uses the following definition of persons with changed working ability: 'who is physically or mentally disabled or whose chances to be employed or keep his or her job after medical rehabilitation are diminished, due to his/her physical or mental impairment.'¹¹.

The law precisely stipulates the rules of how to determine the changed working abilities, which is virtually a medical check and a classification based on its results. Almost all participants in the workshops have criticized this classification, as it is unflexible, sometimes humiliating, not fair and does not consider other factors of a person's life. The relevant Act¹²stipulates those as persons with changed working ability 'whose health condition is 60 percent or less according to the complex assessment of the rehabilitation authority'.

As for the recent labour market situation, according to the latest census data from 2011 (Tausz et al, 2015; Csordás, 2014)¹³, out of the 311,000 persons living with disabilities 80,165 were economically active (unemployed or employed), so around 74% of the disabled working age population¹⁴remained inactive. Most of the latter ones (around 70%) have received some kind of pension or 'pension-like' allowance. Most of those employed could only find a job in the so-called sheltered workshops.

As in the case of older people, we witnessed an increase in the employment rate¹⁵ of persons living with disability. The reasons have similarities: the increase in the demand side and the tightening of

¹⁰ Fundamental Law of Hungary, Article XV. (2)

¹¹ Act IV of 1991 on promotion of employment and unemployment benefits, Par 58 Sec (5) m

¹² Act CXCI of 2011 on social services for persons with changed working abilities and amendments of particular laws, Par 2

¹³ We have to note that population census uses a rather broad definition as follows: disabled is a person, who has, according to his/her self-assessment, a permanent physical, mental, psychosocial or sensory disability, affecting all aspects of his/her life, regardless of whether the disability prevents the socially expected activities or not.

¹⁴ Working age population is approximated with the age group of 15-69, as census data are available.

¹⁵ http://www.ksh.hu/docs/hun/xftp/idoszaki/nepsz2011/nepsz_11_2011.pdf

the disability pension system from 2007 onwards. However, this latter measure has not improved people's health conditions, but alone has made the influx of people to the disability system slow down, just as now there is a more rigorous medical check before considering someone as entitled for disability pension or special benefits.

If we look at EUROSTAT figures¹⁶on the employment situation of people living with disabilities, we can see, that 23.7 percent were employed in Hungary in 2011. This was the lowest rate in the European Union, half of the EU average (47.3%). Even compared to the so-called Visegrad countries (Czech Republic, Poland, Slovakia), Hungary's main competitors and sort of benchmarks, the employment rate of people living with disabilities is lower by 11 percent.



Source: Eurostat, LFS-AHM, 2011

1.2 Employers' and trade unions' approach toward work accommodation

At the end of the description of the position of older and disabled workers, we would like to shortly give an overview about the employers' and trade unions' approach toward these groups. During the project, the Policy Agenda carried out a special survey among the managers of small and medium size enterprises. They were asked to what extent the various social groups, including the older and disabled populations, would be able to mitigate the labour shortage. Managers had to assess the suitability of these groups as potential employees on a 1 to 5 scale (1- least suitable for easing the labour shortage, 5- absolutely suitable).

The survey clearly highlighted that even amidst tight labour market conditions managers do not yet see workers with changed working abilities as a labour reserve. Moreover, they are rather afraid of employing them. For the question "Would you employ more workers with reduced working ability at

¹⁶ <u>http://ec.europa.eu/eurostat/statistics-explained/index.php/Disability_statistics_-_labour_market_access</u> We have to note that the LFS-AHM uses special definitions, different from the one in this paper. See more: <u>http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:Disability</u>

your own enterprise than you currently employ?" 74% of the respondents replied they wouldn't, as there is no suitable position available for them. Out of the respondents 17 % stated, that if they found a worker with the appropriate qualifications, they would grab the opportunity, while 7% of them would do it only in return of public subsidy. 3% would even pay for the future employee's training costs.

The other interesting point we have come across in the workshops with social partners and NGOs is the trade unions' ambivalent approach about the employment of older people.

At the seminars it has been raised by employees' representatives that it is not necessarily beneficial for trade unions if they encourage and promote senior employment. When the discussion came to the point of managing labor shortage by hiring older workers, they have argued that trade unions should protect the interests of those already employed. This is so even when employees need to do overtime regularly, or when they are extremely overstrained and cannot even go on leave. The basis of this view is that if the trade union contributes to easing labour shortage through the employment of older people, the same would reduce the wages and threaten the position of those already employed.

Other trade union representatives have argued on the contrary, and said that if trade unions pioneered employing older workers they would be able to increase their membership. In other words, if trade unions were able to develop solutions, recommend work adaptation whereby the employment of older people could be widened in a specific trade or at a specific company they could control the process. In fact elderly employees would be able to take up a job through them.

Trade unions unavoidably have to face the dilemma how much it would serve the interest of their existing members if a new group of workers enter workplaces, whose employment is cheaper due to tax relief and wage subsidy. In fact, it could lead to a situation when 'more expensive' workers are displaced. However this effect is not likely to emerge in the current circumstances due to the overall, severe labour shortage. Sudden appearance of masses of older or disabled workers is not assumed at other times either so their impact on prevailing working conditions is likely to remain negligible.

1.3 Legislation of work accommodation

People with disabilities have the right in Hungary for accommodated work, and it is described in Act XXVI of 1998¹⁷, which clearly states that "the employer employing a person with disability is under the obligation to provide to an extent necessary for the performance of the work, accommodation at

¹⁷ Rights of Persons with Disabilities and the Guaranteeing of their Equal Opportunities

the work place, i.e. in particular the appropriate refurbishment of tools and machines. Support¹⁸from the central budget can be requested to cover the expenses" (Halmos, 2014, 20). Regarding the question of reasonable or disproportionate burden, the implementation of the EU Framework Directive is not complete, e.g. the Act speaks only about the modification of the working environment, tools, etc. and does not mentions measures such as providing different working hours (Halmos, 2014).

The new legislation on public¹⁹ and private sector²⁰ also states that disabled people have the right for accommodated work, however the details, concrete and obligatory measures or recommendations are missing and have not been explained in any other laws or regulations so far (Halmos, 2014).

When it comes to older workers the question of legislation is not that clear. Regarding this area, the legislation doesn't speak about work accommodation. However the Decree 33/1998 of Ministry of Social Welfare stated that employers should *increasingly pursue* to adjust the work to the capabilities of the ageing employee (so only for those who are already in retirement age). The same paragraph (10/B §) also refers to the list of activities, which can't be done (or can be done only under certain conditions) by an ageing employee, including work types require heavy physical or mental efforts, work in hot or cold environment, etc. Beside that there are forms of accommodated work for employees short before retirement, but only for special groups of workers. Employees of the public sector, where trade unions are better organized, if they fulfill some conditions, can join to "premium years program". Participants work 12 hours a week and get 70% of their salary. A similar program exists for teachers, where they can work less, if they accept to earn less. For armed forces, after 25 years of service, there is the possibility to choose 35 hours work a week, and 5 years before the retiring age, after 30 years of service, he/she can ask to move him/her to reserve base.

1.4 State policies aiming the facilitation of the employment of disabled and older workers and indirectly work accommodation

The Government intends to encourage the employment of people with changed working abilities and people living with disabilities in the open labour market through financial incentives under certain conditions. A quota system obliges each employer with more than 25 employees that at least 5% of the workforce should be with changed working abilities/disabled or the employer should pay a rehabilitation contribution. The amount of the rehabilitation contribution is HUF 964,500 (~ EUR 3200) /person/year, where the number of persons equals the number of those missing to add up to

¹⁸ This support does not yet exist

¹⁹ Act CXCIX, 2011 on public service officers

²⁰ Act I, 2012 Labour Code

5%. In addition, the employer enjoys a tax credit when employing a person with a so called rehabilitation card. In that case the employer is exempted from paying the social contribution tax of 22% up to a certain wage level²¹. Moreover, to promote employment, under certain conditions, the employer is eligible for a wage subsidy up to 60% of the wage, including contributions levied, paid to the worker with changed working abilities²². This financial incentives can also be used to cover the expenses of the accommodations of work.

Recent debates about employment of disabled people were about the necessity and extent of the positive and negative incentives, in case of employing (or not employing) disabled persons. But these issues were not widely discussed or reached the level of the Parliament. However, in 2009 the rehabilitation contribution was raised by more than 540%, which was a demand from representative organizations of people with disabilities²³. These NGOs represented disabled people generally but not only disabled people. The initiative was discussed also at the tripartite Országos Érdekegyeztető Tanács (National Interest Reconciliation Council – doesn't exist anymore).

As it is described in the previous chapter, the Hungarian labour law does not directly describe work accommodation or specifies the measures which could be done under this term. This obviously has a major effect on labour market practices as well as on the mindsets of all concerned. It only mentions reasonable accommodation and only for disabled people, without details or further description.

The closest and more specified concept is 'flexible working hours' (or flexible working time) which could provide some sort of adjustment to the needs of the workers concerned. Flexible working time is considered as one of the 'atypical forms of employment', listed and regulated by the Labour Code (Act I of 2012). Atypical forms of employment aim at a greater flexibility so that employment could be more convenient for both the employer and the employee, such as fixed-term contract, part-time job, telework or employment in flexible working time.

However, those forms of employment, like part-time work and telework that could assist people in a disadvantageous position in the labour market the most, are not common in Hungary. According to the Hungarian Association of Telework (Magyar Távmunka Szövetség) only 3% of the employees

²¹ Act CXXIII of 2004 on the promotion of the employment of school leavers, unemployed aged 50 and over, people returning to work after child care or caring for family members as well as on the internship programme, Par 16/A-16/B

²² Act IV of 1991, Par 16

²³ http://adko.hu/01_files/informaciok/2016/rehab%20hozzajarulas.pdf

were employed as teleworkers in 2016^{24} , while 6% worked in part-time (the EU average is 20%) according to the Eurostat's report from 2015^{25} .

One good example of policy which directly aimed to facilitate work adaptation and promote the employment of older people but not retired workers, was the National Ageing Strategy adopted by the Parliament in 2009²⁶, which has listed several priority areas of action, including:

- improving the level of employment of older people:
 - by increasing the rate of employment of persons over 45, by fostering senior employment and preventing early withdrawal from the labour market,
 - by raising the age centre of retirement through proper adjustments in the working conditions and labour law to promote flexible and atypical forms of employment,
 - by promoting activities necessary for preparing for ageing at individual level, and supporting career changes;
- furthering those initiatives and organisations which promote the employment of people over 45, like the national network of Senior Employment Clubs; spreading the various examples of good business and social conduct and the good practices of inclusive employment.

An Action Plan²⁷was also adopted in order to give guidelines about how to implement the ageing policy for 2010-2012. With the political election in 2010 and the new Government coming into force the funding of both the Action Plan and the National Ageing Strategy were cut.

Currently there is a specific and kind of progressive form of support aimed at older people to facilitate their employment by making it cheaper for employer. This way employers can find funds for the extra costs of work accommodation. There are other ways how the state helps for older employees to find a job or stay in the labor market, but those are not connected nor social dialogue, nor work accommodation.

1. Social contribution tax relief for employers when they employ workers over 55. This measure was introduced in the framework of the Job Protection Action Plan²⁸, and its provisions have

²⁴ http://tavmunka.org/wp/tavmunka-itt-a-csaladbarat-es-hatekony-munkavegzes-ideje/

²⁵ http://kamaraonline.hu/cikk/magyarorszagon-nem-divat-a-reszmunkaido

²⁶ Resolution of the Parliament 81/2009. (X.2.)

²⁷ Government Decree of 1087/2010 (IV.9.)

²⁸ The so-called Job Protection Action Plan, a package of measures to create and preserve existing jobs, was originally launched by the Government in 2012. It has been focusing on three groups of the population having

been adjusted from time to time. From January 2017, the mandatory tax rate is 22%, and employers have to pay half of that (11%) for workers over 55. This tax relief is equally applicable to the newly hired and the already employed up to the monthly wage of HUF 100,000 (approx. EUR 325). Above that amount employers have to pay the full tax.

Policy debates and collective bargaining on work accommodation of the ageing or older employees have not been held recently. Indirectly, the topic was raised and widely debated when the government started to reshape the pension system after 2010 as it endangered the above mentioned rights of public workers, teachers, etc. That time the state almost completely ceased the institution of early retirement. This allowed the early retirement for those who worked in a dangerous or harmful jobs. There were debates in the Parliament and big protests against the decision on the streets. The opponents (mainly the representatives of the employees, but the employers also were not opposed to their demands²⁹) argued that it is not fair that people whose health were damaged because of their harmful jobs had to work until they reach retirement age. They also said that there are jobs which cannot be done by an elderly man or woman, like a fire worker or metallurgist, and there are no other European countries where early retirement for some specific groups does not exist. Moreover, they argued that their employer paid a higher tax contribution, to pay their early retirement. But the legislation stayed the same.

long been in a disadvantageous position in the labour market: the elderly, the young and the unskilled. The actual measures have been overviewed and adjusted annually while they have kept their main features of making the employment of these groups cheaper for employers.

²⁹ However we have to mention that this measure affects mostly state employees

2. Social dialogue and work accommodation in Hungary

Social dialogue takes place on three level: company, sectoral and national level. The Hungarian system can be called a decentralized system, especially in the private sector as sectoral collective agreements are missing (European Commission, 2012; Neumann, 2001). Hungarian trade union density, according to the latest statistics provided by the Hungarian Central Statistical Office, is 9%. It is higher in public sector (depending on the branch it can reach 29%) and lower in the private sphere. SMEs are rarely organized³⁰.

At a national level there is a body for public sector dialogue, it is called NGTT (National Economic and Social Council of Hungary)³¹, which is a consultative, advisory group where besides employers and employees, the churches, NGOs, science and artists are also represented, but the government doesn't represented there. This could be an ideal place for discussions about work accommodation. It can cause skepticism, that there are too many stakeholders with very different approach and attitude participating here some of them are far from the world of work.

There are two tripartite social dialogue bodies at national level, one for the private and one for the public sector: OKÉT (National Public Service Reconciliation Council)³²and VKF (Private Sector's and Government's Permanent Consultative Forum)³³ (Kisgyörgy – Pásztóy, 2014). These bodies would be the place for negotiations on work accommodation, but so far this topic has only been discussed indirectly (general discussions about Labour Code and pensions system). Some of the recommendations coming from participants at the workshop, concern the work of these bodies and proposals could discussed here. Employers' and employees' organizations participating at the seminars were open to put work accommodation related topics on the agenda of VKF. This body would have the power to initiate work accommodation policies.

Mid-level social dialogue takes place in Sectoral Dialogue Committees. The legal basis for Sectoral Dialogue Committees is provided by the Act LXXIV of 2009³⁴. In the committees those social partners can participate, which organize their work on a sectoral basis and have employees and trade unions or employers and employers' organizations as their members³⁵. There are 24 Sectoral Dialogue Committees for different sectors of the economy, like engineering, mining, agriculture, etc. One of them is different from the other, it is called the Rehabilitation Dialogue Committee. It is organized

³⁰ http://www.ksh.hu/docs/hun/xftp/idoszaki/munkerohelyz/munkerohelyz15.pdf

³¹ Nemzeti Gazdasági és Társadalmi Tanács - http://ngtt.hu/en/

³² Országos Közszolgálati Érdekegyeztető Tanács

³³ Versenyszféra és Kormány Állandó Konzultációs Fóruma

³⁴ available: <u>http://net.jogtar.hu/jr/gen/getdoc2.cgi?dbnum=1&docid=A0900074.TV</u>

³⁵ Act LXXIV of 2009 on Sectoral Dialogue Committees

horizontally, it covers employees with changed working abilities and employers, employing disabled people in different sectors. The members are HVDSZ 2000 (Municipal Workers' Union 2000³⁶trade union) on the employee's side and National Federation of Protected Organizations (VSZOSZ)³⁷and National Advocacy Federation of Hungarian Accredited Employers (MAÉSZ)³⁸on the employer's side. As it is visible from the names of the participating organizations, in the committee the representatives of the closed labor market are participating. But this doesn't mean that the committee can't or doesn't deal with wider topics. According to workshops' participants' opinion, recently advocacy via the Rehabilitation Dialogue Committee became hard, almost impossible, as the committee barely works, doesn't have meetings³⁹.

In sum when it comes to work accommodation, mid-level social dialogue would be crucial as legally it is possible for the members of sectoral social dialogue committees' members to conclude sectoral collective agreements, which is obligatory for all employers that are represented in the committee⁴⁰. A sectoral collective agreement can take into consideration the needs and possibilities of those who are working in the sector and have any disadvantage because of his or her age or changed working abilities. From the three existing sectoral collective agreements none of them have regulations regarding work accommodation⁴¹.

Hungarian social dialogue is based on company level. In the companies there is a dual representation of workers: via trade unions and works councils. Regarding the topic of the study, trade unions are more important as only they have the right to conclude wage or collective agreements⁴²with employers at company level, so regulating e.g. work accommodation measures. Works councils only have representative and consulting rights.

From the debates at the workshops, we can conclude that there are two areas in industrial relations where measures could be done in the context of work accommodation. One is the national level where social partners can push for legislative changes, preferably employees' and employers' organizations together. The other one is company level. Of course here there are also difficulties as

³⁶ Helyiipari és Városgazdasági Dolgozók Szakszervezete 2000

³⁷ Védett Szervezetek Országos Szövetsége

³⁸ Magyarországi Akkreditált Munkaadók Országos Érdekvédelmi Szövetsége

³⁹ Statement from president of HVDSZ 2000 on 19/9/2016 issued via MTI (Hungarian State News Agency) – www.rehabportal.hu/munka/meltanyos-munkakorulmenyeket-surget-a-szakszervezet

⁴⁰ And according to Hungarian laws it is possible to extent the agreement to other employers too

⁴¹ There is only undirect connection as they deal with early retirement

⁴² Act I of 2012 on the Labor Code, about the rights of works council: Chapter XX, about the rights of trade unions: Chapter XXI

trade union density is generally low (25% of the workplaces are covered by trade unions⁴³) and employees' organizations may not have the necessary power and resources (not just financial but knowledge) to conlude an agreement.

It was visible from the workshops and from the proposals of participants that they were aware of this reality and their recommendations were aiming the improvement of the legislative environment which yet not promote or provide a spacious legal space for work accommodation measures. And there were of course examples from the floor, from workplaces.

Recommendations aiming IR system and social partners' structure

Participants of the workshops had ideas how to improve (restore) sectoral level social dialogue, which would be crucial in promoting work accommodation measures. NGOs and affected trade union representatives⁴⁴considered it a major step forward, if larger sectoral trade unions and confederations took the representing disabled people and people with changed working abilities on. They have urged a sectoral approach, instead of a horizontal one, since it could take into account the special needs more effectively. One way to achieve it would be the establishment of a section/group/committee within the sectoral union so the union's resources can be used to sensitize the operation of the trade union itself, to reconsider their goals accordingly as well as to define the directions how to advocate the special interests of workers with disabilities or changed working abilities best. In this way, Rehabilitation Dialogue Committee could also be expanded horizontally with other (sectoral) unions. This step does not require additional, substantial financial investments. What would be needed is to get civil organizations and trade unions closer and make them work together. Deeper involvement would bring trade unions the promise of potential membership growth with the possibility of wider social engagement. Civilians could contribute with information transfer, sensitization, and with their existing relationships, network. To broaden the participants of the Rehabilitation Dialogue Committee, legislative amendments⁴⁵would be needed after due consultation with all stakeholders, employer organizations, trade unions and civil organisations.

Reforming this existing social dialogue system would be a first step toward the promotion of work accommodation practices via better functioning industrial relations. HVDSZ 2000 is directly involved in mid-level industrial relations as a representative of disabled people, but today it has a narrower mission: they represent and protect the labour rights of workers with changed working ability who

⁴³ http://www.ksh.hu/docs/hun/xftp/idoszaki/munkerohelyz/munkerohelyz15.pdf

⁴⁴ See the annex

⁴⁵ As today by law only those can be a member of the Rehabilitation Dialogue Committee who have members \ employ people in the sheltered labour market.

are employed in the closed labour market or sheltered workshops⁴⁶. The protection of the interests of disabled workers and workers with changed abilities who have successfully entered the open labour market is not ensured, although participants of the workshops have agreed that their special situation would justify the establishment of special organs. Trade union practice also confirms this, as there are special women, youth and retired sections within the larger sectoral trade unions and confederations. They exist, because trade unions have recognized that the workers groups mentioned have special, distinct needs and interests that require a different kind of advocacy (such as actions against discrimination at work, based on age or sex, the question of flexible working time, etc.).

National level cooperation between social partners

An example from national level cooperation between social partners was that at the workshops the representatives of the Hungarian members of the European Trade Union Confederation, and those of the BusinessEurope alike expressed their commitment to implement the latest European framework agreement on active ageing and an inter-generation approach⁴⁷ in Hungary. Social partners have 3 years to realize this initiation and both the trade unions and employers showed interest for working together. It is also important to note, that EU funds are also available for the implementation, so it is not necessary to only rely on their own and public resources.

Participants of the workshops considered the following actions as important and feasible in Hungary:

- identifying jobs which require too much overtime, where work related stress is high, and making recommendations, whether these tasks could be allocated more evenly by employing additional older people. This approach is important because today the Hungarian Labour Code primarily assesses and classifies jobs according to their physical burden;
- exploring the workforce age pyramid by HR departments and, when and where necessary, introducing differentiated measures according to age groups. So it will be easier to distribute the tasks in a way that gives light work to older workers without harming anyone financially. Today workers are very much afraid that, in the case of light work, they will not get the night or shift allowance, other bonuses;

Examples from workplaces

At Semmelweis University an action plan was made by the trade union and employer together. The plan aims to raise the rate of employees with changed working abilities at that specific workplace.

⁴⁶ Beside municipal workers

⁴⁷ <u>https://www.etuc.org/sites/www.etuc.org/files/press-</u>

release/files/framework agreement on active ageing 003.pdf

The employer was interested with the idea of decreasing its rehabilitation contribution and increasing its social engagement and responsibility. The social partners established a working group which got the task of

- 1. sensitizing co-workers, so disabled colleagues find an inclusive environment
- 2. communication: news on the website, internal information for employees
- looking for partners, NGOs with connection to people with changed working abilities seeking for work
- 4. finding the positions and jobs which can be filled by disabled persons,
- 5. assessing and making proposals about the necessary accessibility.

One of the participating NGOs, Munka-kör Foundation⁴⁸was raising the attention of senzitizing. They shared their best practices duting the workshop. According to them one of the obstacles to the employment of people with changed working abilities is the prevailing prejudices at the workplace. Employers and employees typically are not familiar with the symptoms and nature of certain disabilities, and are afraid that the disabled person would not be able to adapt. In addition, they may be afraid of how the disabled person will able to perform his/her duties or of possible work injuries and accidents. This is why sensitization at workplaces would be an effective tool if it takes place at more levels and with the involvement of more stakeholders. The role of civil organizations here is indispensable as they have the relevant expertise needed to fill in the existing and repeatedly mentioned information gaps. There is a need to provide information not only to employers, but if organized employee representation is in place, for them too. A sensitizing training for trade union officials could facilitate the integration of people with changed working abilities into the workplace.

Munka-Kör Foundation has in experience in this field with the usage of so called "audio mentors"⁴⁹. The mentors' role is more than sensitizing, they help hearing impaired people integrating into a social environment, like a school or a workplace. They have the special knowledge and experience to give advices at special or unique situations. Mentors can both prepare the hearing impaired employee, and his or her future or current co-workers and employer for the joint work. They can propose the tools and techniques, which help work or workplace adaptation the most, like interpreters, or a kind of device, software or a combination of these. They also prepare a job description video with subtitles, organise a plant tour, a trial day, teaching the most important phrases in sign language to the direct colleagues. Regarding the costs of providing accessibility, domestic and European funds are

⁴⁸ Representing hearing impared people

⁴⁹ They are also called deaf or hard of hearing mentors

available in Hungary. In addition employers can rely on the tax relief in case of employing a person with changed working abilities.

HVDSZ 2000 had another good example on how industrial relations can support work accommodation at company level, which they shared with us during the project. They urged participants to make workplaces accessible⁵⁰, so that everyone can get a job which coincides with his or her disability. But they said that their main result is that workers with changed working abilities get hour wages and not for pieces or performance as it is general in that specific job⁵¹.

At the workshops some participants have also referred to the work of the European Agency for Safety and Health at Work (EU-OSHA), to its project⁵² and campaign⁵³ to protect older workers at the workplaces.

Cooperation with NGOs

The latter example takes us to a very positive outcome of the workshops. Participants agreed that a closer co-operation among civil groups, trade unions and employers can facilitate the integration of people with changed working abilities in employment. The establishment of a more formal, structured cooperation among social partners and civil organisations concerned would be desirable according to them. Civil organizations could primarily provide their relationships and expertise. They know how to reach the target group, in this case the disabled and people with changed working abilities, those who are motivated and want to enter the primary labour market. In addition, civil organizations may be the ones who prepare and assist employers how to accommodate employees with disabilities at the workplace and vice versa. Preparing and sensitizing officials of local trade unions is also important, as they are the ones who could locally reach the majority of employees and hand over the lessons learned. In addition, the recommended formal cooperation could result in the establishment of a detailed job register, especially for the given workplace.

Also Munka-kör Foundation raised the attention to this so called job register, used the example of Germany where such a measure exists. The register matches the jobs that a person can perform to the different types of illnesses and disabilities. To compile this, trade unions, employer organizations and civil organizations need to cooperate closely. While trade unions and employers know the realities and conditions of workplaces as well as the occupational health and safety regulations, civil

⁵⁰ Even though it was ordered by law, it didn't go smoothly, at HVDSZ' operational area, according to their report, the level of preparedness is 98%

⁵¹ Generally in Hungary hourly wages are the common not the payment after performance or pieces.

⁵² <u>https://osha.europa.eu/en/themes/osh-management-context-ageing-workforce/ep-osh-project</u>

⁵³ <u>https://osha.europa.eu/en/healthy-workplaces-campaigns/2016-17-campaign-healthy-workplaces-all-ages</u>

organizations have the knowledge of certain diseases and disabilities that the other parties don't. So this register, preferably divided into local, sectoral and national parts, could be complied in the frame of a triple cooperation. Ideally the register would be approved by the Government, making it officially acknowledged (but not making it mandatory!).

The story of an autistic young man, recalled at the workshop, has strongly pointed to the need for such a register. He finished the vocational school and became a painter, but the occupational doctor did not let him work, because he did not want to take the responsibility for a possible accident. As such a register does not exist in Hungary, casualties and first of all practice show, what kind of work can be done with what kind of disability without excessive risks.

At the workshop we have heard the following example from a civil organization. Deaf people were employed by the postal distribution centre, but it turned out that their work was slowed down too much due to the use of sign language. Later, therefore, they were replaced by autistic people, who were great at the job, thanks to beside other things to their high monotony tolerance ability.

During the workshops participants, especially trade unions' representatives have agreed that there is a need to change the attitude towards older people, especially that of the employers. It is a kind of sensitizing but not at the workplaces but in the public. The 'second-hand car' effect is a frequent experience of older employees. Employers consider them, and even more so, retired persons as a means of reducing wage costs. So the principle of equal pay for equal work does not prevail.

Awareness raising activities could be based on the proven advantages of senior employment. Using evidence based arguments a sort of campaign can be launched to direct the employers' attention to this target group. At the same time it may be worth assessing how, with which means workplace integration of elderly employees can be facilitated (especially after they have spent a couple of years outside the labour market). NGOs could lend a helping hand in this regard through their own network.

Employer organisations themselves are invited to provide recommendations and guidelines on building balanced company age pyramid. Namely, one third of the age pyramid consists of employees below 30, another third of those aged 30-45 and the last third consists of people over 45 years. Those measures which make employers financially interested in employing people with changed working abilities (or otherwise pay rehabilitation contribution as a sort of 'penalty') has a positive effect. At the same time, transparency in this area is not satisfying: the Government, as the largest employer in Hungary, should set a good example and show the public whether and how they comply with the regulations and employ enough disabled persons in the public sector.

As referred to it in the introductory part of the paper, Policy Agenda's survey⁵⁴has revealed that employers do not consider people with changed working abilities suitable to ease their labour shortage. The higher employment rate of disabled people in other European countries does show that this is possible. The current underemployment of people with changed working abilities in Hungary is not justified. There are jobs available that would certainly be suitable for disabled people. Workshops have concluded that changing the attitude of the society toward people with changed working abilities and older workers should be a priority. This was started in the case of latter group, employer organizations started to hold conferences and issue articled about the benefits of employing older (over 50) workers⁵⁵.

We got an example to another form of cooperation between NGOs. One of the largest pensioner organisation, the National Confederation of the Federations of Hungarian Pensioners (Magyar Nyugdíjasok Egyesületeinek Országos Szövetsége, NYOSZ) has presented another positive example: their cooperation with a not-for-profit employment agency. In this cooperation and relying on its own membership, NYOSZ promotes the employment of pensioners. It essentially means that NYOSZ helps to reach pensioners who intend to work and then the employment agency connects the individuals with the employer looking for a new worker.

The director of the employment agency said that when recommending elderly persons to an employer special attention had to be paid to safeguarding their interests. The protection they provide is twofold:

First they make the employer accept that the older employee is not like a "second hand car". Namely, employers usually intend to set their wages as if they were of a lesser value than a young employee. The director used the following example to illustrate: while in packing tasks young people are quicker in short term, older workers, due to their higher work discipline

⁵⁴ http://www.policyagenda.hu/hu/index/kkv-cegvezetok-jelentos-munkaerohiany-de-nem-latszik-a-megoldas-1

⁵⁵ http://privatbankar.hu/makro/megvan-mi-a-munkaerohiany-valodi-oka-310246

could caught up with and the advantage of younger workers could practically disappear within a week.

Secondly, the employer agency makes the employer consider the particular needs and other specificities of older workers. For example: the preference to be paid in cash than having the wages transferred to a bank account; keeping in touch is more difficult with pensioners due to the lack of digital skills; , flexible hours of work might be requested, geographical distance between the residence and work is an important factor, etc.

During the workshops it has been also found that while pensioners as a target group are readily accessible to their advocacy organisations, the same does not apply to the age group of 50-62 (people just approaching their respective legal retirement age). Therefore assistance provided to the latter group is highly incidental. Generally social media is used to get in touch with them.

This is why participants invited trade unions to thoroughly consider whether from the aspect of trade union policy it would be worth fostering the employment of older people in a proactive manner. Amidst the current heavy labour shortage, all social groups who are not part of the world of work or even having been pushed out should be addressed. For this reason it would be justified for trade unions to use their existing social networks and facilitate the accommodated employment of older people, especially those just about to retire.

Involving the government

Participants also mentioned during the workshops as a good example for cooperation between NGOs, trade unions and employers, the so-called Senior Employment Alliance (Szenior Foglalkoztatási Szövetség), from 2007. This initiative is differ from the previous ones as here the Government was also involved until 2010, when a new government came into power. According to the social partners of the workshops, it would be desirable to restart such a programme as it included some best practices. These measures, listed below, could be also applied for workers with disabilities.

This Alliance came about from cooperation between three national employer organisations (MGYOSZ, IPOSZ, MOSZ⁵⁶) and three national trade union confederations (ASZSZ, MSZOSZ and

⁵⁶ MGYOSZ: Munkaadók és Gyáriparosok Országos Szövetsége (Confederation of Hungarian Employers and Industrialists); IPOSZ: Ipartestületek Országos Szövetsége (Hungarian Association of Craftmen's Corporations); MOSZ: Mezőgazdasági Szövetkezők és Termelők Országos Szövetsége (National Federation of Hungarian Agricultural Cooperators and Producers)

SZEF⁵⁷), as well as pensioners' organisations and experts from the human and employment fields, from political circles and from NGOs. The aim of the Alliance was to use the experience, skills, capabilities and competitiveness, work culture of seniors to the benefit of society and business. The Senior Programme the Alliance launched intended to help people over 45 through various initiatives, development programmes, inviting quotations for the implementation of such programmes and enhanced services. As it was aiming to raise the employment of older workers it also contained measures which make their working environtment more suitable. The initiatives were wide ranging, such as introduction of the

- 1. Award for Senior Employment, the encouragement of the so called senior industry, i.e. firms that employ and provide services primarily for seniors and pensioners,
 - a. such an award exists for "disability friendly workplaces", and it is awarded by a foundation, called Salva Vita⁵⁸
- 2. the building of a Personal Consulting Network, a free of charge employment service operated by the members of the Alliance,
- 3. the Senior Legal Consulting Service, organisation of clubs and communities for seniors, personal development of seniors with the involvement of public education.

The mission of Senior Employment Alliance was aimed at widening the cooperation among all actors concerned and thus boosting the employment of persons over 45, who were able and willing to work, on the basis of social partnership. It called for the joint work and contribution of social partners to

- 4. create the suitable legal, economic and social environment,
- 5. improve the health and welfare conditions of people concerned,
- 6. develop tenders and invite bids,
- establish a knowledge base so as to facilitate communication (for members free of charge) between employers and employees as well as to provide information and to implement many more related services.

⁵⁷ ASZSZ: Autonóm Szakszervezetek Szövetsége (Autonomous Trade Union Confederation), MSZOSZ: Magyar Szakszervezetek Országos Szövetsége (National Confederation of Hungarian Trade Unions), SZEF: Szakszervezetek Együttműködési Fóruma (Forum for the Cooperation of Trade Unions)
⁵⁸ http://fbm.hu/

To restart such a big program the will of the Government is needed, as state funds and legislative act are essential for this initiative. However some of them can be realized by the cooperation of social partners.

Summary and conclusions

The results of the worshops, the recommendations coming from participants reflected the reality of the Hungarian social dialogue system and its problems. The quality and content of the national and sectoral level social dialogue is not satisfying, only in case of company level can we speak about proper industrial relations. Even tough there were proposals fixing the structural problems of industrial relations was beyond the capabilities of the social partners represented at the workshops. However they were planning to make further steps in representing the interests of older and disabled workers, e.g. with establishing a special committee within the trade unions or initiating the widening of the Rehabilitation Dialogue Committee, so participants beyond the so called sheltered employment could participate in that. This is harder as this would require a modification in the legislation.

According to the experiences of the workshops, these days when new problems of labour market, namely the aging of the work force, emigration and labour shortage, emerged, trade unions and employers can bargain and find solutions as equal partners on company level. We got great examples at the workshop about how the cooperation of social partners can find solution to the employability of disabled or older workers by improving accessibility, listing the available positions and the possible adaptation of the working environment for the newcomers. To do this, NGOs could also successfully get involved according to the shared experience of the participants.

A concrete plan was developed about the concrete, maybe later formal, cooperation between social partners and NGOs. Participants agreed that the latter organizations have the necessary experiences and knowledge especially about the employability of disabled people. The idea was that this cooperation could develop a job register which matches the capabilities of the two groups of employees with the needs and possibilities of employers. A plan was also developed to commonly make awareness raising campaign as, according to the findings of Policy Agenda's recent survey among employers, only a minority of participants of the world of work think that disabled people could be a solution to easen labor shortage. According to the participants of the workshop it would be also ideal to re-establish a formerly existed "think tank" which was aiming to find ways to facilitate the employability of older workers (over 45), among other measures with the changes in the working environment. This would need the involvement of the government as such a high level cooperation is defenetily beyond the financial possibilities of social partners.

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Methodology

The aim of the project was to develop practices, which promote older and disabled people employment via work accommodation. Our methodology included a research phase and workshops with social partners. Between meetings participants of the steering committee informed each other about the findings and discussed the results among each other.

1. Preparation meeting

Project partners (Hungarian Trade Union Confederation, Confederation of Hungarian Employers and Industrialists and Policy Agenda) formed a steering committee and were informed about the project's agenda, aims and methodology.

The participants were: Hungarian Trade Union Confederation – Károly György Hungarian Employers and Industrialists and Policy Agenda – Adrienn Bálint Policy Agenda – Ambrus Kiss Policy Agenda – Annamária Kunert Policy Agenda – Balázs Bábel

2. Kick-off meeting

Policy Agenda prepared a background report, which includes information about demography and labour market situation of older and disabled people, an overview of the quality and institutions of industrial relations and existing direct and indirect legislation of work accommodation.

Participants of the kick-off get this background report in advance and they get familiarized with project's aims and methods. During the meeting they shared their organizations existing initiatives regarding work accommodation.

The participants were: Hungarian Trade Union Confederation – Károly György Hungarian Employers and Industrialists and Policy Agenda – Adrienn Bálint Policy Agenda – Ambrus Kiss Policy Agenda – Annamária Kunert Policy Agenda – Balázs Bábel National Federation of Agriculture Cooperatives and Producers -Máté Csizmadia National Association of Industry Bodies- Dániel Bugár Pensioners' Section of Hungarian Trade Union Confederation - Mihály Tóth Pensioners' Section of Hungarian Trade Union Confederation - László Juhász Hungarian Metalworkers' Federation - Béla Kiss Forum for the Co-operation of Trade Unions – Lajos Mayer National Association of Pensioners – Mária Véghné Reményi Trade Union of Local trade and City economy 2000 (HVDSZ 2000) – Istvánné Szabó Trade Union of Local trade and City economy 2000 (HVDSZ 2000 - Dóra Demeter The summary and results of this seminar were sent to the participants to comment.

3. Solutions finding seminar 1.

As the legislative and social environments are different for the 2 social groups and neither their advocacy capabilities are similar, and we also considered that even though there are similarities, but basically workplace adaptation needs different measures, social partners agreed to have two seminars for the two groups and then one for everyone, where they can share their results.

At the 1st solution finding seminar employers met with NGOs and trade unions which are representing people with changed working abilities. During the workshop they commented the results of previous meeting and shared their view of possible work adaptation methods and required measures on this field.

Participants were:

Hungarian Trade Union Confederation – Károly György Hungarian Employers and Industrialists and Policy Agenda – Adrienn Bálint Policy Agenda – Ambrus Kiss Policy Agenda – Annamária Kunert Policy Agenda – Balázs Bábel National Federation of Agriculture Cooperatives and Producers -Máté Csizmadia National Association of Industry Bodies- Dániel Bugár Munka-Kör Fundation – Ágnes Szigetvári Semmelweis University – Balázs Horváth

4. Solutions finding seminar 2.

At the 1st solution finding seminar employers met with NGOs and trade unions which are representing older workers and pensioners. During the workshop they commented the results of previous meeting and shared their view of possible work adaptation methods and required measures on this field.

Participants were: Hungarian Trade Union Confederation – Károly György Hungarian Employers and Industrialists and Policy Agenda – Adrienn Bálint Policy Agenda – Ambrus Kiss Policy Agenda – Annamária Kunert Policy Agenda – Balázs Bábel National Federation of Agriculture Cooperatives and Producers -Máté Csizmadia National Association of Industry Bodies- Dániel Bugár Hungarian Metalworkers' Federation - Béla Kiss Forum for the Co-operation of Trade Unions – Lajos Mayer Pensioners' Section of Hungarian Trade Union Confederation - Mihály Tóth Kornusz Communication – Péter Rudi Ministry of National Economy - Katalin Balogh

5. Feedback seminar

At feedback seminar representatives of the two social groups met each other again, and they had the opportunity to comment and discuss the draft study, based on the results of the previous seminars and they also had the opportunity to complete or specify it with new ideas.

Participants were: Hungarian Trade Union Confederation – Károly György Hungarian Employers and Industrialists and Policy Agenda – Adrienn Bálint Policy Agenda – Ambrus Kiss Policy Agenda – Annamária Kunert Policy Agenda – Balázs Bábel National Federation of Agriculture Cooperatives and Producers -Máté Csizmadia National Association of Industry Bodies- Dániel Bugár Hungarian Metalworkers' Federation - Béla Kiss Forum for the Co-operation of Trade Unions – Lajos Mayer Pensioners' Section of Hungarian Trade Union Confederation - Mihály Tóth Kornusz Communication – Péter Rudi Munka-Kör Fundation – Ágnes Szigetvári Semmelweis University – Balázs Horváth

6. Feedback round 2

As it was emerged that to finalize the study new information is needed we held a second feedback round, when writers of the study reached out stakeholders (especially those, who could not participate at the feedback seminar) individually to give them the opportunity to comment and tell their views and recommendations on the study and on the possible improvement on work accommodation.