

## **Possibilities of flexible employment in the Hungarian public service regulations**

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### **Abstract**

Nowadays, we are facing increasingly strong, long-term changes, to which the capacity for quick adaptability lies in the ability to respond. How flexible a public service can be in such cases is greatly influenced by the regulatory framework. COVID-19 has shown that in such cases, the operational capacity of the civil services provides the most security. The Hungarian civil services passed the examinations well, and the obligations were fulfilled in addition to the possibilities. In the relationship between the state and the public service employee, it is important to provide mutual opportunities and obligations in order for the efficient, good state to work with the best performance even in ordinary normal operation. An overview of the individual regulators of the public services provides an opportunity to compare the regulatory elements and practices of those working in different branches of public service, as well as to adopt good practices through their similarities and special nature.

### **Key words**

Flexible employment, COVID, public service

### **Introduction**

In addition to the health, economic and social challenges posed by the COVID-19 virus epidemic, the workplace has undergone tremendous changes. All sectors of the economy have felt the impact upon them, short and long term: the number of businesses close to bankruptcy has increased, and many employers have reduced working hours or headcount. According to the United Nations Labor Organization (ILO) <sup>[1]</sup>, about 1.25 billion people, about 38% of the world's total workforce, work in the sectors most affected by the epidemic (trade, catering industry, manufacturing, business services, etc.). 80% of the global workforce lives in countries where jobs have been closed or restricted in some way. These are mainly developed and moderately developed countries; the impact of the crisis is slower in developing countries. The outcome of the process is not yet predictable, where job losses will stop. This depends on the magnitude of the complexity of public interventions. In the health and social sectors most affected by the crisis, the physical risks of working, the psychological burden of overtime and increased responsibility have increased, depending on the severity of the epidemic. In other sectors, however, the biggest risk is mainly the further cascading effect of job losses caused by the downturn and falling demand due to the loss of income. However, the effects of the crisis may be differentiated across sectors. While e.g. in transport jobs, operators have to face reduced downtime or forced redundancies; those working in the freight or public sector have to face years of intense workload growth.

More than half of Hungarian workers work in high- and medium-high-risk sectors such as manufacturing, hospitality and tourism, real estate, transportation or the creative and entertainment industries, according to researchers at the Hungarian Academy of Sciences (MTA) [\[2\]](#), who show that what difficulties the global and domestic labor markets face in the midst of the coronavirus crisis. This ratio represents a high degree of exposure, especially considering that the contribution of these sectors to GDP is very high. The economic risks are twofold: on the one hand, industrial output will decrease, and on the other hand, loss of income will reduce purchasing power and demand, experts

Every crisis situation provides an opportunity to induce positive changes. Changed forms of work, extremely fast-changing practices of work coordination and control, challenge organizational leaders to be able to transform established and stable work organization solutions, use resources more flexibly, and rethink their own roles and opportunities.

In the situation created by COVID-19, people experienced new things. Isolation, loneliness, is forcing us all to reevaluate the importance of human relationships, from useful pastime activities to our shopping habits, in almost every area of life. Businesses had to introduce new ways of working: e.g. telework, they tried to stay afloat by building new services, they transformed not only their internal but also their external forms of communication. Governments are also looking for solutions that can quickly and effectively prevent the spread of the epidemic, maintain the purchasing power of the population, and retain jobs to minimize losses from economic downturns.

### **Employee priorities are also changing**

For today's employee, the priorities are already completely different from the past decade: flexible conditions and work-life balance are now more important than pay for some positions. Research shows that flexible working is not only good for employees, but also worthwhile for companies – of course only under certain conditions.

Although more and more companies are trying to implement flexible schedules today, the use of this type work environment in practice is in its infancy both in Hungary and in most parts of the world. Research shows that some employees are afraid to take advantage of similar opportunities so as not to be discriminated against, even though well-thought-out conditions and appropriate methods have been shown to increase employee performance. A Stanford University researcher examined the impact of working from home, which found that the performance of staff working in the home office increased by 13 per cent compared to those who performed their duties in an office environment during the same period. In addition, home workers spent three-quarters of an hour more time on their work, were more likely to be available, and took less sick leave than their office workers — so overall, they were much more satisfied with their jobs. That is, it totally doesn't matter how long our co-worker runs his dog on a bike during work hours as long as he does his job accurately and effectively. Also an important factor was that home workers dropped out of work for much less time in the two years, were less sick, and spent less time off than office workers. Fluctuation among home workers was essentially halved compared to the control group, which also improved productivity. (It also takes time to hire and train a new staff member, and it can take months for tasks to become routine.) Another direct benefit, which can be translated into HUF, is that a total of \$ 1,800-2,000 in annual savings could be shown in office rentals.

More and more people also see between managers and subordinates that the office is a repository of interruptions, not a space for in-depth continuous work. If efficiency is important, companies can hire more and more talented people with telecommuting (because talented individuals prefer telecommuting) who will be able to perform better, reduce turnover, and save money with less real estate rentals. <sup>[3]</sup>

Despite the positive results, researchers believe a mixed line-up of half-up work at home and office may be the optimal solution. This is because the negatives can also be eliminated. On the one hand, it can have a reassuring effect on managers who are afraid of losing control or weakening team cohesion, and on the other hand, it can also benefit employees who are afraid of isolation.

In 2018, 5.2% of workers aged 15 to 64 in the European Union (EU) worked from home. However, over the same period, the proportion of people working from home increased from 5.8% in 2008 to 8.3% in 2018<sup>[4]</sup>. In 2018, the proportion of women was slightly higher (5.5%) than that of men (5.0%). This was the case in most EU Member States: pl- France (8.1% of women versus 5.2% of men), Luxembourg (12.5% of women, 9.8% of men). and Malta (7.4% of women, 4.7% of men). In contrast, the situation was just the opposite in eight EU Member States: the Netherlands (15.5% of men versus 12.3% of women), Denmark (8.5% of men and 7.0% of women). %) and Ireland (7.2% of men, 5.7% of women) this difference was particularly large. The proportion of people working from home increases with age. In the EU, only 1.8% of 15-24 year olds usually worked from home in 2018, compared to 5.0% of 25-49 year olds and 6.4% of 50-64 year olds. The proportion of 15-24 year olds who usually work from home was highest in Luxembourg (8.7%). The next highest Member State is Estonia (5.2%).

### Legal framework for telework

During the emergency and due to the development of technology, atypical forms of employment have become more and more popular, therefore in order to increase employment, the legal environment must be adapted to the changes in the labor market. Promoting the expansion and spread of flexible forms of employment is a key tool for expanding the labor market, making better use of reserves and ensuring the availability of available labor.

The provisions on telework also contribute to the achievement of sustainable development goals. Increasing labor market participation of women and mothers contributes to gender equality and increasing the employment rate of young people by creating an employment environment that fits young people's preferences, this in turn helps quality education, industry, innovation and infrastructure, as well as goals of honest work and economic growth. In addition, the use of teleworking significantly reduces the number of daily commutes and the operation of sustainable economic value chains that help sustainable cities and communities meet responsible consumption and production goals, thus tackling climate change.

A 2017 survey on the practical characteristics of working with information technology tools "On the effects of work that can be done anytime, anywhere on the world of work"<sup>[5]</sup>.

The joint report of the ILO and Eurofound summarized the national study of 15 countries (including 10 EU member states including Hungary, as well as the USA, Brazil, Argentina, Japan, India) and the findings of the European Working Conditions Survey. The study analyzes the impact of mobile work

using teleworking / information and communication technology (T / IKTM), such as mobile phones, tablets, laptops, desktops, off-site work by the following categories:

- regular teleworking at home,
- occasional teleworking / mobile work, with medium and low mobility and frequency outside the employer's premises,
- highly mobile teleworking / mobile work with frequent changes of place of performance, including working from home.

In European labor law, the European Framework Agreement on Telework (2002) regulates the basic conditions for telework towards a Europe of innovation and knowledge, in line with the Lisbon objectives (2000).

The aim of the framework agreement is to be in line with the European Employment Strategy

- make businesses more productive and competitive,
- ensure the right balance between flexibility and security,
- improve the quality of jobs,
- modernize the organization of work as far as possible in the information society,
- improve the labor market opportunities of protected workers.

Under the framework agreement, the concept of teleworking: Teleworking is a form of work organization and / or job in which the person performing the work uses computer equipment or the work that could be performed at the employer's premises is regularly performed away from it. One of the main guarantees of the framework agreement is that teleworking is voluntary for both the employee and the employer. The parties may also establish an employment relationship specifically for the purpose of teleworking or may subsequently agree to change the employment relationship originally established under the general rules to teleworking. The framework agreement also stipulates that the employer must inform the teleworker in writing of the specific criteria for teleworking. A fundamental additional guarantee of the framework agreement is that teleworkers have the same rights as similar workers working at the employer's premises.

The employer is obliged to respect the right to teleworking privacy. To protect this, it is a requirement that any control system be used, that it be proportionate to the purpose of the control, and that it comply with the provisions on minimum safety and health requirements for work in front of a screen.

Let us look at the German and French examples of European regulation of telework. German law does not specifically regulate telework, except in the field of occupational safety and health. The labor law rules of teleworking are thus determined by an employment contract, a collective agreement, an employment agreement

within the framework of the applicable labor law provisions. Teleworking takes place when the employee performs his or her work or part of it at an on-screen workplace equipped by the employer using an information technology device. Occupational safety rules for telework include occupational

safety requirements for work in front of the screen, such as the technical conditions for telework and risk assessment.

Contrary to the German example, in 2012 telework was regulated by law in France. According to this, teleworking: any form of work organization in which the employee can perform work at the employer's premises outside the employer's premises on a regular and voluntary basis through information and communication technology on the basis of an employment contract or related agreement.

In 2018, the rules for telework were clarified, so that telework applies not only to regular, but also to occasional telework. Teleworking is not conditional on an employment contract or related agreement being based on a collective agreement or, failing that, an employer's regulations. A teleworker has the same rights as an employee who carries out his work at the employer's premises.

The so-called "right to disconnect" has been regulated since 1 January 2017 in the French Labor Code, which provides forward-looking regulation on the use of technological devices in the workplace. In the absence of an agreement, the employer draws up regulations. This policy sets out the modalities for exercising the right to disconnect and provides for the information, training and sensitization of employees and management on the rational use of technological equipment.

In connection with teleworking, which is becoming more and more important for employees, the regulation was amended in Hungary as well in 2020. Act XCIII. Act CXVII of 1995 on Personal Income Tax. and Act I of 2012 on the Labor Code. The amendment reduces the administration of telework and makes occupational safety rules more flexible.

The amendment distinguishes between work safety requirements for work using a computer tool and work safety requirements for work not performed using these tools. In the case of teleworking exclusively by means of a computer device, it significantly reduces the administrative burden on the employer, so that the employer can check compliance with labor protection rules by using a computer device.

The purpose of the amendment to the Personal Income Tax Act is to simplify the accounting of costs related to telework, ie to introduce a flat-rate accounting in addition to the current itemized accounting, the maximum rate of which is 10% of the current mandatory minimum wage. The proposal also modifies the ceiling for itemized settlement in the case of asset acquisitions. The amendment eliminates the double-counting of overhead costs incurred continuously in connection with teleworking, but at the same time makes it possible to account for the acquisition of assets on an invoice basis.

The amendment increases flexibility because the parties can agree that the employee will work part of the working time away from the employer's premises. The parties must still agree on an employment contract for teleworking. In order to reduce the administrative burden on employers, teleworking is when an employee works telework for one third of the working days in the current year. If the parties wish to organize teleworking under different time conditions, they may agree to this. The administrative burden on employers is also reduced by the fact that, after the amendment, the right to control can be exercised using a computer tool.

Teleworking is gaining ground, whether it's a co-worker who works from home all the time or walks into the office a few days a week – a success that can be achieved in several public sector jobs, as we've seen since the first months of COVID. According to HR experts, teleworking transforms work much more than digitization.

### Home office as an option

The essence of the home-office is that the same job can be done away from the workplace, the company's premises, most often from home, even just a few days a week. Of course, the employee still has to show up from time to time for meetings, team building trainings or further training.

It is important to highlight the difference between telecommuting and home office. The definition of telework has been mentioned above, there is no such legal requirement for the home office, we can talk about it if at a given time an employee is entitled to perform the work in the place specified by him.

Teleworking	Home office
an atypical contract	can also be an "average" employment contract
specified place of work	the employee may be anywhere
the employee working regularly and typically in the given place	can be stipulated on an ad hoc basis
employer control is within limits	there are no special rules for control
working hours are typically fixed	working hours are typically fixed ≠ casual work schedule!

Forrás: <https://novekedes.hu/elemzesek/nem-ugyanaz-a-tavmunka-es-a-home-office-legalabb-ot-alapveto-kulonbseg-van>

When introducing a home office, the regulations on working and rest time, equal treatment, data security and occupational safety should be given priority. This work means a greater degree of trust on the part of the employer, you have to believe that the employee is working, otherwise you may force the employee to make checks that could be at the expense of efficiency. You should also be careful to maintain social connections and avoid burnout.

The rapid spread of home-office popularity is well illustrated by the Global Workplace Survey <sup>[6]</sup> conducted in 2019 with fifteen thousand companies, which found that for eighty percent of employees with two nearly identical job offers, the home-office option is the deciding factor, the tipping of the scales.

Business leaders around the world have said that in order to attract and retain the best talent, they need to provide opportunities for alternative employment. And 4 out of five respondents to the survey said they would reject similar job offers where they are not offered flexible work. After this, it is not surprising that 62% of businesses worldwide currently have a flexible workspace policy.

In many sectors, the traditional “working day” is no longer recorded because it is not the thing that matters, but the efficiency of the work. Employees call this “Generation Flex”. This kind of flexibility can improve productivity by at least one-fifth. It is also a big advantage that a remote worker is much less in need of going on holiday, as this will allow him to spend more time with his family and will be less inclined to take a break suddenly. Another argument is that a vomiting, malaise virus in the office is a nightmare, while only an uncomfortable, not-too-sick worker can do his job remotely from home. In addition, thanks to the home office system, employees will be less likely to infect each other.

It has been proven that modern businesses need to use at least some level of flexible working techniques in order to remain competitive. To do this, they need to develop, for example, the use of appropriate techniques and technologies to facilitate their work. But those who don't apply this “new normal” risk lagging behind and miss out on many of the benefits. Benefits include cost savings and a better work-life balance. The opportunity for flexible working is clearly and fully rooted in the workplace mindset, organizational culture, and the majority of employees see this as the “new normal mode” and business leaders recognize its key role in achieving business success.

Flexibility needs to be skillfully incorporated into corporate culture and accounted for by some old beliefs, such as, “He who comes late and goes early is an uncommitted worker”; „Important conversations take place in the office or hallway, not at home.“

To transform these innervations, managers need to keep the following in mind:

- Managers do not need to personally supervise employees.
- Clear goals and expectations are needed. Teleworkers are out of sight, and if they don't know what their business is, cooperation will fail.
- Since teleworkers are not in mind, their chances of promotion and recognition deteriorate. Not the effect of presence, but effectiveness should be the basis of recognition.

A peculiarity of the private sector may be when an employee spends a few days in a variety of places (e.g., hotels in cultural or catering spaces), or perhaps in a coworking space, not to mention completely



free digital nomads. Digital nomads will find everything they need in these places: there is wifi, free coffee, meeting rooms and quiet nooks where you can work in depth or even meditate if someone wants to relax. One group of digital nomads travels and works in the meantime, while the more traditional work is mostly done from home (banker, lawyer, designer). It's common in companies 'recruiting ads to say, "Work in our office for 9 months, then walk the world and you can work wherever you want. "

China and India are at the forefront of flexible working opportunities, with long geographical distances contributing to this. Austria leads in the region close to us, followed by the Czech Republic, Poland and Hungary. In the latter EU countries, less than a third of workers work flexibly, either in terms of place of work or schedule.

The situation of those working in the public service is special in several respects, the same is true also in terms of flexible employment. In addition to the many constraints, there are more options than we might think. Take a look at the legislative options in place and the governmental steps you can take.

The issues of regulating the legal relations of civil servants have changed several times in recent years and decades. In the first third of the twentieth century, in the 1930s, politics was behind the idea of homogenization. The work started under the leadership of Zoltán Magyary, who envisioned standardization entirely within the framework of public law, but did not completely reject private law solutions and connection points either. An example of this is a public service contract, which is an agreement in both public and private law that could have been a solution for non-appointed public officials. However, Zoltán Magyary was unable to complete the work, as neither the political will nor the war period was favorable for this later.

Today, the concept of a civil servant means a government official, a government case manager, a civil servant, a public service case manager.

The employment of workers in the Hungarian public service is regulated by several laws and regulations. These include:

- the 2018 CXXV. Act on Government Administration (Kit.)
- the 2011 CXCV. Act on Civil Service Officials (Kttv.)
- the XLII of 2015. law. on the employment status of the professional staff of bodies performing law enforcement tasks (Hszt.)
- Act XXXIII of 1992 Act on the Legal Status of Civil Servants (Kjt.)
- Act I of 2012 on the Labor Code (Mt.) regulators.

**Kit.**

The 2018 CXXV. Act on Government Administration (Kit.) regulates the employment of government officials. This meant the removal of officials working for an administrative body subordinate to the government from the Act. One of the aims of the regulation is to promote the compatibility of public service and family life.



The scope of the law covers the legal status and organization of government administrative bodies, as well as the employment of officials of government administrative bodies. Government administrations can be divided into two groups:

- the central administrative bodies and their territorial, local bodies, and
- regional government administrations.

Government administration officials may be in political service, in commission, or in government service.

The governmental legal relationship is established between the Government as an employer and the government official as an employee. Appointments are made on the basis of an invitation or tender procedure based on the decision of the employer.

The place, time and duration of the work are determined by the appointment, and unless otherwise provided, the government service is established for an indefinite period of time and full-time. If there is flexibility in the above conditions, a legal relationship may be established by employment other than appointment: a government official may be employed in the interests of the government, secondment to a foreign service, posting domestically and abroad, and secondment between government offices.

How is there a departure from the appointment

- in the case of secondment in the interests of government? A civil servant may be seconded to another government body for a fixed term.
- for domestic postings? It may be required to work outside the settlement of the usual place of work on the basis of the decision of the civil servant, the holder of the employer's authority. The civil servant still performs his work under his direction and instructions.
- at the permanent foreign service? A civil servant may also be assigned to a sectoral professional task for a definite period of time or to a body seconded abroad to support it.

Of course, in the case of a legal relationship created by appointment, it is also possible to order work other than the pre-established conditions. This was also the case at the time of COVID-19, so

- ordering extraordinary working hours, which may be working hours other than working hours, working hours outside the working hours, on-call time, work ordered during on-call time (for the period from arrival at work to the end of work). In these cases, the pre-recorded working hours change.
- In the case of telework, the pre-fixed place of work changes. Section 125 (1) of the Act states that "Telework is a regular activity carried out by an information technology or computer device (hereinafter together: a computer device) and its results in a place separate from the seat of the employing government administrative body or the usual place of work. transmitted electronically, excluding work from home. " The place of work is determined by the employer's authority and, unless otherwise agreed, also provides the necessary means of communication. The detailed rules for teleworking are contained in a Government Decree, which I will discuss separately. During telework, the employer is obliged to provide all information that he also

provides to other government officials. Thus e.g. even under COVID-19, all related information and guidelines were provided to them.

- Working from home differs from the above (Section 126), in which a government official may perform his work at his place of residence or stay, using his own means, differently from the usual place of work. Working from home may take place if the nature of the work to be performed so permits and if ordering or allowing working from home does not cause a disproportionate harm to the government administration or government official. The home work agreement shall specify the time of the home work, the tasks to be performed individually, and the manner and time of contact and delivery of the work performed. The detailed rules of working from home are laid down in a Government decree, and within this framework, the head of the office organization in the public service regulations.

A 30/2012. (III.7.) Government Decree on the working and rest time of civil servants, on administrative breaches on certain obligations imposed on civil servants and employers, and on teleworking. Scope of Act CXCI of 2011 on Civil Servants. It covers the administrative bodies specified in Sections 1 and 2 of the Act and the civil service official employed there, as well as the employee. The law states that teleworking is a regular activity carried out in a place separate from the employer's premises, which is carried out by means of information technology or computer technology and the results of which are transmitted electronically.

In the case of teleworking, the appointment must include, inter alia, the relationship between the employer and the civil servant or the method of accounting for costs reasonably incurred. Unless otherwise agreed, the means of employment and communication shall be provided by the employer and the employer shall transfer the right to at least half of the daily working time to the civil servant in writing, taking into account the specific nature of teleworking (casual work schedule).

47/2020 on immediate measures necessary to mitigate the impact of the coronavirus pandemic on the national economy. (III.18.) Government Decree states that Act I of 2012 on the Labor Code will be applied with different rules in order to comply with the prohibitions and restrictions prescribed during the period of the emergency. Thus, the Mt. shall be applied for thirty days after the cessation of the emergency, with the exception that

- the employer may amend the notified working hours differently from the communication rules in force,
- the employer may unilaterally order the employee to work from home and to work remotely,
- the employer may take the necessary and justified measures to monitor the worker's state of health.

Although the career of government officials is subject to conditions and expectations, the law has included the following possibilities to make the career attractive:

- Cafeteria allowance
- Other benefits, allowances (eg in case of death)

- Housing benefits, allowances
- Other social benefits
- Grants of a study nature

Families are at the heart of Hungarian government policy. Therefore, the law laid down additional special provisions for government officials raising a child and starting a family.

#### **Kttv.**

„The uniform rules applicable to civil servants require that officials acting in the public service be provided with a separate, distinguishable, uniform standard consistent with the value-oriented nature of the civil service.“ This Kttv. read in the explanatory memorandum to the bill, which also means a commitment to a closed public service system. In countries with a closed public service system, we are talking about a staff in the public service that is treated separately from private law solutions, whose employment can be characterized by a specific, public law-based legal relationship and career system, life path. Open systems do not make a significant distinction between public service and labor law rules. Civil servants often have a contractual relationship with their employer, and collective bargaining rules also play an important role. The Kttv. According to its general reasoning, the essential element of the public service is that the establishment of a legal relationship is not the subject and result of unrestricted conciliation and agreement between by performing a task, position or office. The Kttv. as a kind of mule solution, it combined the provisions for government officials and “other” civil servants.

The 2011 CXCV. The Act on Civil Service Officials (Kttv.) states that “a strong, but not larger than justified, state capable of adapting quickly and flexibly to changes in the national interests may be based on a public service that enjoys public appreciation, is efficient and cost-effective, democratic, it is party-neutral, operates legally, its members have up-to-date professional knowledge, serve the interests of Hungary and the public good impartially and with patriotism. ”

The scope of the law extends

- the civil service relationship between the mayor's office of the local government's representative body, the supervision of public areas, the civil servant and the public service case manager of the joint local government office (hereinafter: the office of the representative body),
- the mayor and deputy mayor,
- the governmental service of a government official and a government case manager of a body appointed by the Government to maintain institutions,
- and, unless otherwise provided by the Act, the civil service relationship between the Office of the Parliament and the civil servant and public service case manager of the Parliamentary Guard.

The bodies listed above, as well as the capital and county government offices, are considered administrative bodies. Only governmental or public service legal relationships may be established for

the performance of a task directly related to the exercise of public authority, management, control and supervision powers of the public administration body.

The special nature of government service and public service, that is to say, civil service, is due to the fact that, in the context of that service, it must be based on the priority of the public service and the maintenance of confidence in good administration. This is further strengthened by the provision in the law that the parties may make the conclusion, amendment or termination of the agreement subject to a future, uncertain event (condition). But no condition may be imposed on the basis of which the civil service would be altered to the detriment of the civil servant or result in the termination of the civil service.

The law applies to members of the public service, so it partly contains regulations for government officials (the parts highlighted for our topic have already been summarized on the basis of the Kit.) And for civil servants. However, the scope of the law does not extend to employees of the State Audit Office and the bodies of the Armed Forces, national security services and the armed security guard. For the latter, the Hszt. which will be discussed later, given that the professional service relationship is a special civil service relationship.

With regard to civil servants, the regulations on government officials are applicable (with a few exceptions) and the employer's rights are basically exercised by the head of the administrative body of the administrative body and the representative body. With regard to exceptions, e.g. the Board of Representatives may determine the schedule of daily working hours differently from the general work schedule, taking into account the weekly working hours, or e.g. does not qualify as a posting if the civil servant performs his / her duties in the settlement belonging to the joint local government office, nor does it qualify as a posting if the notary or sub-notary performs his / her duties in the settlement belonging to the joint local government office.

In the public service legal relationship of the public service case manager, the provisions concerning civil servants specified in this Act shall be applied accordingly, with the indicated exceptions.

The Kttv. Section 258 (1) states that the provisions of Act I of 2012 on the Labor Code shall apply to employees employed by public administration bodies, with the indicated exceptions.

The Kttv. Among the special provisions for each group of government officials, similarly to those contained in the Kit, it lays down different provisions for those raising a child. Thus, for working and rest time, maternity and unpaid leave.

### **Hszt.**

A special form of public service legal relationship is the professional service legal relationship, which is defined in Act XLII of 2015 on the professional status of the professional staff of law enforcement agencies, regulated by law.

The scope of the law extends

– the body set up to carry out general police tasks, the body responsible for internal crime prevention and detection, the body responsible for combating terrorism and the immigration police body (hereinafter together referred to as the police),

– the professional service of the members of the professional staff of the professional disaster management body, the penitentiary organization, the Parliamentary Guard, the civil national security services and the National Tax and Customs Administration (hereinafter: law enforcement body) (hereinafter: service relationship) and some social security benefits.

The employment relationship is a special civil service relationship established between a law enforcement agency acting on behalf of the state and a member of the professional staff, in which both parties are subject to obligations and rights specified in the employment regulations and other legislation. A member of the professional staff shall perform the duties arising from his employment on a voluntary basis, as a vocation, in a strict order of dependency, even at the risk of his life and physical integrity and by accepting restrictions on certain fundamental rights. Based on this, we envisage a strict order, but in this, if employment is free from extraordinary circumstances, there are many opportunities for employment other than the place of work or working hours.

When establishing an employment relationship, a member of the professional staff undertakes that, under the conditions specified in this Act, he may be obliged to perform service in any organizational unit of the law enforcement agency or, with his consent, to perform service in another organization specified in this Act. In determining the place of performance, the reasonable interests of the member of the professional staff shall be taken into account as far as possible.

In Section 14 (1) of the act, the ethical principles of the law enforcement profession with regard to members of the professional staff are, in particular, loyalty, preference for the national interest, dignity and fairness, freedom from prejudice, impartiality, responsibility, professionalism, cooperation and proportionality. In addition to those set out in paragraph 1, additional ethical principles for senior management and law enforcement officers shall be exemplary, professional and accountable.

In order to fulfill the above value system, a member of the professional staff may be obliged, in the interests of the service, to declare his / her contact details outside the service period, to inform the foreman of his / her whereabouts, and to maintain his / her serviceability. Moreover, the travel abroad of a professional member of the civilian national security services may be prohibited or restricted in accordance with the provisions of this Act. A member of the professional staff may be reinstated from his place of residence, even during his leave, to his place of employment.

Professional service can also be performed outside the law enforcement body in the interests of government and law enforcement, ie there is considerable flexibility with regard to the place of performance of duties within the framework of the legal relationship. This made it possible that during the COVID-19, many economic organizations and health care institutions in Hungary were provided with locations and the smooth running of economic activities. All this is done in a known, fixed way or with the consent of the data subject.<sup>[7]</sup> Professional service can also be performed at the institutions of the European Union and an international organization in the interests of government and law enforcement.

In Section 52 of the act, the employment relationship may be modified with the consent of a member of the professional staff, except in the cases specified in this act: in the following cases: change of service headed to a ministry or a body headed by a minister, command to a prosecutor's office,

command to serve abroad, an agreement to participate in experts in development programs financed by the European Union or international organizations.

A transfer in the interests of the service shall not require the consent of a member of the professional staff, if any

does not involve a change of place of performance, or

– the time required to reach the new place of employment does not exceed one and a half hours in each direction from the place of residence, using public transport, or one hour in the case of a member of the professional staff raising a child under the age of ten.

In determining the new place of employment, the equitable interests of the member of the professional staff shall be taken into account as far as possible.

A member of the professional staff may be reassigned to any department of the law enforcement agency and to any local office in the interests of the service, without his or her consent. In addition, a member of the professional staff may be transferred to government service, public service, civil service or judicial employment, to the service of law enforcement administration service. With the consent of a member of the professional staff – based on the decision of the Minister and the Minister responsible for national defense or the national commander and the Chief of the Defense Forces – he may be transferred to the staff of the Hungarian Armed Forces.

It can be transferred with or without the consent of a professional staff member based on the above, so the task performance requires flexibility. But at the same time, the law provides for a predictable, career-advancing opportunity in the professional grade in the grade and rank within the classification category, as well as to achieve a higher service position. In the interests of the service, the foreman exercising the employer's authority may conclude a study contract with a member of the professional staff or a person undertaking professional service.

The law states that the time of service is forty hours per week. In the case of a part-time or fulltime duty, a longer duty period may be set, but not more than forty-eight hours per week. Where the interests of the service or an exceptional occurrence, such as the prevention, remedying of the consequences of a mass accident, elemental disaster, catastrophe or serious injury, and other unforeseeable circumstances endangering the safety of public and property, make it necessary, In addition to the period of service specified in § 134, as well as on public holidays and rest days, he may be required to perform service (hereinafter: overtime).

If the interests of the service or an extraordinary case so require, a member of the professional staff may be required to be on standby at a place specified by the client (hereinafter: special standby).

A member of the professional staff may, with the agreement of the staff member's commander, perform his / her duties at his / her place of residence or stay, differently from his / her place of service, using his / her own means. Work from home may take place if the nature of the duties of the service so permits and the requirements for the protection and security of data processed, generated, used, processed and transmitted in the context of the duties to be performed at the place of work allow them to be accessed by information technology or computer. transmission. The home work agreement shall

specify the time of the home work, the duties to be performed individually, the means provided by the law enforcement agency and the professional staff member's own means of work, and the manner and time of contact and delivery of the work performed.

In order to make the professional staff more attractive, social, welfare and cultural benefits and allowances may be granted to members of the staff, whether reimbursable or non-refundable: holiday allowance, family start-up allowance, social allowance, salary advance, study grant, training, further training allowance and housing allowance. A member of the professional staff is entitled to an annual supply of clothing equivalent to 250% of the law enforcement salary base, which can also be issued in kind.

**Kjt.**

Act XXXIII of 1992 on the status of civil servants extends to the civil servants of the state and local self-government budget bodies, as well as the employment of civil servants employed by the local government (hereinafter: employer) for the provision of public services falling within its remit. The regulations of the Kjt. with the Mt. has remained unchanged, so the rules of the Mt. have to be applied while taking the potential differences with the Kjt. into account. Issues related to the civil servant's legal relationship are settled by law, government decree, ministerial decree, as well as collective agreements and civil servant regulations. The law may deviate from the provisions of this law, taking into account sectoral and professional peculiarities. The majority of those working in the education, higher education, health and culture sectors fall within the scope of Kjt. authority.

The subjects of the civil servant relationship are the employer and the civil servant. The civil service relationship can be established mostly on the basis of a tender. A tender must be issued for the assignment of a senior manager and a manager.

Instead of full-time work, part-time work may be stipulated or unequal working time may be assigned on request.

On request, stipulated part-time by the employer to the civil servant

- until the date requested, but
- up to the age of four, or in the case of a civil servant raising three or more children, up to the age of six

must employ. Thereafter, the working time of the civil servant shall be determined according to the level prior to the submission of the application.

This does not apply to a civil servant with a managerial role.

With regard to the civil service relationship, certain provisions of the Mt. on the subjects of the employment relationship, the establishment of the employment relationship and the amendment of the employment contract are not applicable. Depending on the nature of the work, an implementing regulation may specify the length of time that must be spent at the workplace as a whole, as well as certain specific rules for working during that period.



In the case of a civil servant with a local government, unless otherwise provided by the Local Government Act, the appointment and dismissal fall within the exclusive competence of the Board of Representatives, and other employer's rights are exercised by the mayor.

**Mt.**

Civil servants in public service are covered by the Labor Code.

This law lays down the basic rules of decent work in accordance with the principle of freedom of enterprise and employment, taking into account the economic and social interests of the employer and the employee.

The subjects of the employment relationship are the employer and the employee. The employment relationship is established by an employment contract. In the employment contract, the parties must agree on the employee's basic salary and position, the duration of the employment relationship. In the absence of the latter, the employment relationship is established for an indefinite period. The employee's place of work must be specified in the employment contract. Failing this, the place of work shall be deemed to be the place where he carries out his work as usual. Unless otherwise agreed, the employment relationship is established for general full-time employment.

The employer is entitled to temporarily employ the worker in a job, workplace or other employer other than the employment contract. The employee must be informed of the expected duration of employment other than the employment contract. The employee may not be required to work in another location without his or her consent

- from the time of pregnancy to the age of three,
- your child up to the age of sixteen if he is raising his child alone, and
- in the case of long – term personal care of a relative, and
- the rehabilitation expert body has established at least fifty percent damage to health.

The employer informs the employees about the possibility of full-time, part-time, teleworking and employment for an indefinite period by indicating the positions.

Night work and extraordinary working hours cannot be ordered for a young worker. The daily working time of a young worker may not exceed eight hours and the working time of working in several employment relationships must be calculated. A maximum of one weekly working time limit may be ordered for a young worker and the weekly rest day and the weekly rest period may not be divided unequally.

According to the Mt., teleworking is a regular activity carried out in a place separate from the employer's premises, which is performed by a computer device and its results are transmitted electronically. The details of the teleworker's employment must be agreed in the employment contract. Unless otherwise agreed, the employee's work schedule is non-binding.

An employee's employment relationship may be established for work that can be performed independently, for which the parties determine the salary only in the form of performance pay. The

employment contract must specify the activity performed by the employee, the place of work, the method and amount of reimbursement. The employee basically performs his task with his own means and his work schedule is unconstrained.

## **Conclusion**

Based on the above, it can be seen that the Hungarian legal system provides and even continuously develops the framework of flexible working in the public service and at the same time takes several measures to create opportunities to strengthen the work-life balance and the role of the family. The regulators provide for teleworking, working from home, and part-time work.

The regulatory environment needs to adapt to economic, social challenges and changes in the labor market, and the regulation of telework is also important to increase employment, so that up-to-date regulation helps to spread non-traditional forms of employment, they are becoming more and more popular. Teleworking has proven its worth in many areas and benefits both employers and employees, helps protect jobs and contributes to increasing employment.

Later, telework could be implemented even partially, according to the agreement of the parties, as a part of the working days. The regulation would provide an opportunity for the employer to contribute to the employee's costs and the acquisition of the necessary assets in the case of teleworking, even under reduced tax conditions. It is worthwhile for companies to opt for teleworking, taking into account their areas of activity, operational characteristics and the job of their employees, as long as this does not constitute an obstacle for the employee to perform his or her tasks. The government is committed to maintaining jobs, which, in addition to effective economic protection measures, is ready to support through flexible labor regulations.

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