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European Monitoring Centre on Change

Hungary: Staff information and consultation on business transfers

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Hungary

Phase:

Anticipation

Type: Staff information and consultation on business transfers

Last modified: 18 June, 2021

Native name:

2012. évi I. törvény a Munka Törvénykönyvéről

English name:

Act I of 2012 on the Labour Code

Article

Sections 36-41, Section 265 and Section 282

Description

In case of a transfer of an economic undertaking (defined as an organised group of material or other resources), the transferor's rights and obligations arising from the employment relationships existing on the date of the transfer are transferred to the receiving employer (transferee).

The transferor and the transferee have to inform, within 15 days prior to the effective date of the transfer, the works council on:

- the planned or envisaged date of the transfer;
- the reason for the transfer; and
- the legal, economic and social implications of the transfer for the employees.

The transferor and the transferee must enter into negotiations with the works council, with the goal of reaching an agreement. Negotiations should cover any measures in relation to employees, the principles of these measures, the ways and means of avoiding or mitigating detrimental implications of the transfer.

If no works council exists at the transferor, or if no workers' representatives have been elected, the transferor – or the receiving employer if so agreed by the respective parties – must inform the employees concerned on the following:

- the planned or envisaged date of the transfer;
- the reason for the transfer;
- the legal, economic and social implications of the transfer for employees; and
- any measures envisaged in relation to the employees.

The above information should be provided in writing at least 15 days prior to the date of the transfer.

Within 15 days following the date of the transfer, the transferee has to inform the affected employees on the transfer of their employment relationships, disclosing the new employer's basic data, and changes in basic conditions of work and employment, if any.

Following the transfer, the transferee must continue to observe the terms and conditions of the collective agreement applicable to the transferor on the date of the transfer for at least a year. This period can only be shorter in case of the expiry of the collective agreement or the entry into force of another collective agreement.

The transferor and the transferee are jointly and severally liable in respect of obligations towards employees which arose before the date of the transfer if an employee submits his/her claim within one year from the date of the transfer.

Comments

No information available.

Cost covered by

Not applicable

Involved actors other than national government

Works council

Thresholds

No, applicable in all circumstances

Sources

 [Hungarian Labour Code](#)

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