

The ways young workers can be employed

The law provides better protection under the age of 18

The summer is upon us thus it is worth examining in what framework and according to which rules young workers can be employed. Point a. of Subsection (1) of Section 294 of the Labour Code includes the definition of young worker. Accordingly, young worker shall mean any worker under the age of 18. In their case, having regard to their age, the law orders the application of more stringent rules. These more stringent rules appear on the establishment and termination of the employment relationship and on the provision of working time and rest period. Let's see in details:

Parental consent is also required to establish employment relationship

Employee means any natural person who works under an employment contract. However, employee may be a person on the basis of the Labour Code who has attained the age of 16 years. Alternatively, employee may be a student aged 15 or over during school holidays who study within the framework of full-time education. Any person under the age of 16 years may be exceptionally employed within the framework of cultural, artistic, sport, advertising activities defined in legislation with the permission of the child protective service. It is important to know that the permission of the legal guardian is also necessary for the validity of the legal declaration of the young employer which refers to the conclusion, amendment, termination of employment contract or to commitment. However, the aforementioned employee may make other declarations by itself (e.g. taking annual leave, acknowledgement of liability, order for the deduction of trade union dues etc.). First of all, tax identification number is of course also necessary for the employment, which may be freely requested by using the 13T34 form.

Favourable rules applicable to working time and rest period

The regulations on working time and rest period shall be applicable with limits in case of a young worker. The daily working time of a young worker [Section 88 (1) of the Labour Code] may not exceed 8 hours and the working hours spent in more than one employment relationship must be combined. Furthermore, night work, overtime and time banking longer than one week cannot be ordered. Furthermore, it is important that at least 30 minutes break must be provided if daily working hours according to work schedule exceed 4,5 hours and 45 minutes break must be provided if the daily



working hours according to work schedule exceed 6 hours. The daily resting period of young workers is also longer. In their case, at least 12 hours daily resting period has to be provided. Irregular work schedule may be applied but weekly rest days may not be allocated irregularly in case of irregular work schedule, as well as, at least contiguous 48 hours of resting period is mandatory in case of irregular work schedule. Moreover, 5 days compensatory leave shall also apply to young workers.

Students in full-time education may be employed through student employment services

The employment within the framework of student employment service offers advantages both to the employer and the employee. The employer obtains allowances in tax and contributions, and the employee may appear on the labour market with a safer background through a larger organisation. Income conditions are also favourable: the students may usually receive over HUF 1000 per hour. This is the last summer when the regulations of the Labour Code apply to the employment through a student employment service. At this time next year, the Act on Cooperatives will be applicable.

According to the present legislation, students conclude a contract with the student employment service which may delegate them to different workplaces. This workplace may be an office, customer service, catering or even a commercial unit. The basic labour rights shall apply within the framework of student employment service related legal relation but students shall not be given leave under the rules in force.

Temporary employment and employment by local governments are also typical

The summer is the primary area of temporary employment. At this time, employers prefer this atypical form of employment which offers numerous benefits to them. The Labour Code grants an exception for a part of legislation relating to employment; lower public dues must be also taken into account and the administrative rules are also simpler. However, it needs to be kept in mind that the enforcement of special rules relating to youth employment must also be ensured in such case (parental consent, working time limits). Young people aged between 16 and 25 years have opportunity for employment by local governments or institutions maintained by local governments too. Such request must be submitted to the government agency of residence. The State offers benefit to the employers to cover the costs of the maximum of 6 hours of employment.



The Inspectorate monitors compliance with legislation

Finally, it must be mentioned that the Inspectorate strictly monitors the compliance with legislation relating to young workers as well as the age requirements. Additionally, imposing a fine may not be ignored in case of infringement of age requirements under the Act on Labour Inspection. Therefore, it is worth acting carefully.