

The courts' case-law on non-standard forms of employment

Despite the societal and economic changes that have occurred over the past few decades, the public perception still appears to be that the standard or typical form of employment is a full-time and open-ended employment relationship between an employee and an employer. There is a non-standard form of employment if any of its elements differs from those applied in a typical form of employment.

Increase in the flexible forms of employment in Europe has marched side by side with the expansion of non-standard employment relationships in Hungary, which has been appropriately followed by the continuous modifications of the Labour Code.

The jurisprudence-analysing working group's topic of investigation has been chosen primarily with the aim of enabling the Curia and, thus, the lower instance courts to obtain a nationwide picture of the lawful application of the special provisions on non-standard forms of employment, the courts' relevant case-law and the typical errors encountered.

The subject matter of the jurisprudence-analysis requires the involvement of the Curia's labour law judges, first and second instance judges as well as academics and practitioners in the working group's investigation.

The course of the investigation, the work plan and the time period to be examined will be determined by the working group's constituent meeting. The working group will ask for the relevant decisions of the lower instance courts to be forwarded to it and then will analyse them on the basis of a set of predetermined criteria. Subsequently, the working group will prepare a summary report on the results of its findings, and the report will be discussed and approved by the working group and the Civil Department of the Curia.

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