

## Conclusions of the summary report on the jurisprudence related to atypical forms of work

Upon the decision of the President of the Curia of Hungary, the labour judges of the Curia of Hungary examined judicial practice on atypical forms of work, by involving lower court judges, academics, and practising lawyers.

In the framework of the jurisprudence-analysis the working group examined 122 court cases by analysing the lower court decisions adopted therein and the legal issues raised therein.

Based on the judgments obtained from the lower courts, the working group analysed issues related to the application of law, having arisen in connection with part-time employment, fixed-term employment, multi-employer employment, teleworking, hired employment, simplified work relationship and temporary employment.

According to the findings of the working group, if an employer employs an employee working under a part-time employment contract in full-time, the employee may – depending on the facts of the case – not only seek a declaration of full-time employment status and the payment of outstanding wages but may, alternatively, also claim additional wages for the extra hours worked as overtime.

The most important legal issues arisen in the cases were related to fixed-term employment, therefore the examination covered the stipulation of a fixed term, the extension of a fixed-term, in respect of which the law lays down various conditions, and the termination of an employment relationship. Hungarian labour law allows for the termination of a fixed-term employment by notice, among others, in cases of force majeure, which cases gained special relevance in the pandemic situation that occurred during the period of the jurisprudence-analysis. However, according to the adopted report, an unavoidable external cause, a force majeure cannot, in itself, serve as a ground for terminating a fixed-term employment, only in combination with its effect on the given employment relationship.

The lower court decisions examined by the working group were, mostly, in line with the law and the previous court practice. The findings made by the working group may serve as guidance for practising lawyers.