**Contribution of the Hungarian Government in connection with the topic of the relationship between the realization of the right to work and the enjoyment of all human rights by persons with disabilities**

**Legal background**

**In Hungary, the right to work, equal opportunities, equal treatment and obligations for persons with disabilities are guaranteed by a number of legislation in the field of vocational rehabilitation and employment.**

According to the *Act on Disabled Persons' Rights and Equal Opportunities,* the disabled persons are entitled - as far as possible - to be integrated to the open labour market and, failing that, they have to be employed in a protected employment. The Parliament decision15/2015 (IV. 7.) on the National Disability Programme (2015-2025) includes the basic objectives and tasks related to the employment of disabled persons, and the Action Plan until 2022 is detailed by the 1187/2020. (IV.28.) Government Decree.

Based on the Health Insurance Act, a provision whereby a person or group is treated less favourably because of his/her actual or perceived disability, state of health, part-time employment or other employment relationship, the part-time nature or definite duration of employment than a person or group in a comparable situation should be considered discrimination.

**The Labour Code of Hungary states that the requirement of equal treatment in relation with employment must be complied with**. Persons with serious disabilities, incapacity or partially restricted capacity may establish a legal relationship only for such employment which they are able to perform permanently and continuously by virtue of their state of health. The worker’s activity must be monitored continuously and in a way that ensures healthy and safe working conditions.

In many cases, carrying out the required quality of work for persons with disabilities requires individual work schedules and working environments. It is therefore particularly important to promote atypical forms of employment: supporting the possibility of teleworking, part-time work, and informing and training employers in this regard.

According to the Labour Code, employment in a protected workplace is ensured for persons with disabilities who are virtually unavailable to open labour market opportunities.

**Hungarian practice aimed at assisting the employment of persons with disabilities**

It is a priority for the Hungarian Government to support disabled persons and persons with changed working capacity and to increase their employment level in order to ensure that more people are able to secure their own and their families’ livelihoods from work incomes.

Vocational rehabilitation of persons with disabilities is supported by a well-developed, interdependent system, which can take **three forms** of employment. The aim of **developing employment** is to prepare the individual’s health, age, physical and mental condition for self-employment or employment in the open labour market. In **protected employment** by accredited employers for rehabilitation purposes, the directions of development, work processes and forms of assistance are defined in a personal rehabilitation plan for those affected. In 2020, 375 accredited employers employ 30,000 people for rehabilitation purposes. Incentives for **employment in the open labour market** include rehabilitation contribution, tax allowance, labour market integration programmes and various EU projects.

**These forms of employment and grants have significantly contributed to increasing the employment of persons with disabilities in the open labour market**. Economic growth has further strengthened this process, therefore employment levels for persons with disabilities have increased from 18 % in 2010, to close to 44 % today.

**It is worth emphasizing that a program has been launched** **with the contribution of the Ministry of Human Capacities** on March 17th 2020 when a ministerial decision has been made about the program **developed by the National Employment Non-profit (OFA) called the “Support of the employment of disadvantaged workers”.** Through this program **the Ministry for Innovation and Technology provides 800.784.527 HUF** for the employment of disadvantaged workers. **The realization period of the program lasts until March 31st 2022.**

**The background of the program:** In Hungary – according to the statistical data of the Hungarian Central Statistical Office (KSH) – there are approx. 700 thousand disadvantaged workers, only less than a quarter of whom is employed in any way, thus the main goal of the program is to increase the ratio of the employment of the disadvantaged workers’ group in society.

**General goal of the program:** Recruitment of disadvantaged workers living in the districts of Heves county, Nógrád county, Borsod-Abaúj-Zemplén county, Hajdú-Bihar county, Szabolcs-Szatmár-Bereg county and the organization of labour market (i.e.: assessment of individual competences, counselling in job seeking) and mentoring services that help the at least 500 selected and involved participants in acquiring the needed competences for entering to the working life. Furthermore, the organization of practice-oriented education/training and the employment of at least 100 people – who successfully completed the training - in the primary labour market.

**The concrete goal of the pilot program:** thesearch and recruitment of the target group and the provision of a complex service package for the searched target group, the parts of which may be information on the labour market and employment, job counselling and the training of the participants. The aim of the counselling services is to – combined with the abovementioned services - contribute to the definition of the direction of the employment rehabilitation of disadvantaged workers who could not be employed in positions that match their qualification levels. Moreover, the service package contains theoretical and practical trainings through which by providing concrete, practical help, finding a new job or position, entering into or progressing in the labour market becomes much more efficient for the training’s participants, thus contributing to their employment and progress.

**The actual status of the program:** According to the status report of the OFA the documents of the open EU tendering procedure have been finalised, the indicative price proposals’ technical specification in order to determine the estimated value of the tender has been compiled, and the list of the companies to be called for potential, indicative price proposals has been compiled in September 2020.

**In conclusion, the program is in the launching phase, we do not have practical experience and outcomes yet, so it is early to speak about a best practice here.**