

## THE RIGHT TO A HEALTHY WORKING ENVIRONMENT IN RESPECT OF THE EMPLOYMENT RELATIONSHIP

**Az egészséges munkakörnyezethez való jog a munkaviszony tekintetében**

ZSOLTNÉ DAJKA\*

In an employment market transformed by the coronavirus epidemic, job security and the working environment have become more important than ever for Hungarian workers. Work and its former forms have been radically and irrevocably transformed. The new situation brings additional challenges for employers and employees in many areas. The occurrence of occupational diseases and illnesses is determined by the combination of exposure (level and duration) to work-related pathogenic factors (chemical, physical, biological, ergonomic or psycho-social) and the work-related stress (physical, physiological, mental, psychological).

**Keywords:** *working environment, pathogenic factors, occupational safety, occupational health*

A foglalkoztatásban a koronavírus-járvány hatására átalakuló munkaerőpiacon minden eddiginél fontosabbá vált a magyar munkavállalók számára a munkahelyük biztonsága, a munkakörnyezet. A munkavégzés és annak korábbi formái gyökeresen és visszavonhatatlanul átalakultak. Az új helyzet még számtalan területen további kihívásokat hordoz egyaránt a munkáltatónak és a munkavállalónak. A foglalkozással összefüggő megbetegedések és a foglalkozási betegségek előfordulását a munkakörnyezeti kóroki tényezők (kémiai, fizikai, biológiai, ergonómiai vagy pszichoszociális) okozta expozíció (mértéke és időtartama) és a munkavégzéssel járó megterhelés (fizikai, fiziológiai, szellemi, pszichés) együttesen határozzák meg.

**Kulcsszavak:** *munkakörnyezet, kóroki tényezők, munkahelyi biztonság, munkavédelem*

### Introduction

The right to a healthy environment is not just a theoretical human right, but must necessarily be implemented in the workplace environment in our everyday lives.

---

\* ZSOLTNÉ DAJKA  
PhD student  
University of Miskolc  
Faculty of Law  
Institute of Civil Sciences  
Department of Labour and Agricultural Law  
3515 Miskolc-Egyetemváros  
[beti0730@gmail.com](mailto:beti0730@gmail.com)

I think it is important to note that we currently spend far more time in our work environment than we do with our families or anywhere else. The question arises as to how far we are achieving a healthy environment at work and who is responsible for providing it. This makes the role of the environment and human rights increasingly important. The approach to the right to the environment in the context of labour law provides an opportunity to look at practical problems and setbacks that arise in everyday life. The decline in the environment and, through it, in our own chances of a healthy lifestyle, and the deteriorating state of our living space, should make more workers realise that the lifestyle of consumer societies can no longer be maintained. Prevention is the most important principle and requirement of occupational health and is applied in medicine and other areas of practice. The importance of prevention in the workplace and in employment is of great importance.

Prevention is applied in three steps: prevention of disease (primary prevention), early detection of disease (secondary prevention) and prevention of aggravation of disease (tertiary prevention). According to the principle of prevention, OSH activities in all areas and at all levels should be aimed primarily at preventing harmful effects in good time, rather than at treating them afterwards, because this is the only way to protect people's lives, safety and health.

### **1. Right to a healthy and safe working environment**

According to the Constitution, Hungary recognises everyone has the right to physical and mental health.<sup>1</sup> In connection with the right to health declared in Article 70.D. of the former Constitution, the Constitutional Court ruled that the right to the highest level of physical and mental health means, on the part of the state, the obligation to ensure that the state has the right to a legal and mental health that is adapted to the current carrying capacity of the national economy and the possibilities of the state and society, economic environment which, under the given historical circumstances, ensures the most favourable conditions possible for everyone to lead a healthy lifestyle, so contrary to the wording of the Constitution at the time, the Constitutional Court considers that the right to the highest level of physical and mental health is only a state objective.

t favourable conditions possible for everyone to lead a healthy lifestyle, so contrary to the wording of the Constitution at the time, the Constitutional Court considers that the right to the highest level of physical and mental health is only a state objective.

The protection of the right to a healthy environment has been enhanced by the emergence of the Covid epidemic. The European Convention on Human Rights, as the basis for the regional protection of human rights in Europe, does not contain an explicit provision on the right to a healthy environment, nor on the protection of the human environment. The Convention regime contributes only indirectly to environmental protection through the case law of the European Court of Human

---

<sup>1</sup> Alaptörvény XXI. article (1) para

Rights. The Strasbourg Court has already deduced from the Convention some elements of the right to a healthy environment.

The standard text of the Fundamental Law mentions the protection of the environment in several places. Firstly, in the chapter entitled Fundamental Principles, which contains provisions setting out the general values, principles and objectives of the social order, where the priority role of nature conservation is first mentioned. On the other hand, Article XXI of Freedom and Responsibility, which enshrines the right to a healthy environment in the same way as the previous Constitution.<sup>2</sup> The right to a healthy environment is generally considered to be a third-generation right. The main criticism of third-generation rights (e. g. the right to peace) is that they are almost completely unenforceable, with no defined subject, no defined content and no duty-bearers, and are therefore not truly subject rights. It follows from all this that they are not enforceable in court either; at least not in the same way as other fundamental rights.

Ensuring the right to a healthy working environment is present in the classic employment relationship based on an employment contract and in all employment relationships. The establishment and maintenance of an adequate, safe working environment which does not pose a risk to health is a requirement of the employment relationship. Workers in Hungary have the right to safe and healthy working conditions. Employers have a duty to protect the health of workers and to ensure a healthy working environment in the course of their work within the framework of organised work. Of course, not all the negative effects of work cannot be eliminated, but the elimination of the hazards specified in the rules on occupational safety and health is a fundamental task and obligation of the employer. This is a fundamental principle of occupational safety and health and a right of workers guaranteed by the Constitution.

Occupational safety and health is the provision of safe and healthy working conditions, the aim of which is to prevent accidents and possible damage to health by working safely. A safe working environment must be established, maintained, tested and improved. OSH is a system of legislative, technical, economic, social, organisational, health and safety regulations and measures designed to protect the health and fitness for work of workers at work and to create the conditions for safe working conditions. All workers have the right to working conditions which respect their health, safety and dignity.<sup>3</sup> The Occupational Safety and Health Act regulates the rules and requirements of occupational health and safety in Hungary. XCIII of 1993 on labor protection Act (hereinafter: Act) underwent several amendments at the end of 2022. These amendments will take effect in several waves, planned from January 1, 2023 to January 1, 2026. The most important changes (valid from January 1, 2023):

- Preparation of the rescue plan is an occupational health and safety activity.

---

<sup>2</sup> This was emphasized by the Constitutional Court in the 3068/2013. (III. 14.) AB decision.

<sup>3</sup> Alaptörvény XVII. article (3) para

- The preparation of educational topics is an occupational safety and health professional activity.
- With the amendment, the training of occupational health and safety representatives will be returned to the scope of the Act on Adult Education, and the regulation will make training organized on the basis of legislation, which can ensure the appropriate training of occupational health and safety representatives. The occupational health and safety representative must complete a minimum of 16 hours of basic training within six months of being elected. After the basic training, and in case of re-election, the labor protection representative must participate in at least 8 hours of continuing education every year.
- continuing education every year.
- The preliminary inspection from an occupational safety point of view – except in the case of dangerous technology – can be carried out by a person with specialized training and occupational safety qualification, or by a person authorized to do so by law, or by an accredited institution. The examination of dangerous technology can be carried out by a person with a specialized work safety expert license.
- The change affecting the exposure register, on the basis of which the time of exposure to hazardous substances and mixtures to workers, as well as its concentration, must be recorded only in the case of hazardous substances regulated by limit values. (The register must contain the employee's name, place and time of birth, the name of the hazardous substance regulated by the limit value, the employee's daily, weekly and annual exposure time and the measured exposure concentration data for each substance.)
- In the future, the information related to the notification of the activity carried out at the construction site (content of the notification, purpose of data management, retention period for data) will be regulated by the Mvt.
- A list of workers exposed to biological factors must be kept, and the activity itself must be reported to the occupational health and safety authority.
- Asbestos is a particularly dangerous carcinogenic substance, therefore activities with asbestos must be reported separately to the occupational health and safety authority, regardless of the declaration of carcinogenic substances.
- Activities carried out in pressurized air must be reported to the occupational health and safety authority.
- In order to eliminate or minimize the risks of injuries and infections caused to employees by sharp or pointed instruments – if this risk is determined by the risk assessment – the risk assessment must be sent to the occupational safety authority and the activity must be reported.
- The occupational accident register must be supplemented with additional data and information (occupational accident number, injured person's name, birth name, mother's name, social insurance number, place and time of birth, gender, nationality, place of residence, job title, date of injury, location, nature, brief facts, the measures taken to care for the injured person, the fact

that the injured person continued his work, the employer's tax number or tax identification number).

## **2. Safety and health at work**

The importance of occupational health and safety lies in the fact that the most important consideration for domestic workers when choosing a job is whether the company offers a healthy and safe working environment.<sup>4</sup> Occupational health promotion is the combined action of employers, employees and society to improve health and well-being at work. Steps and tools are needed to achieve this goal: improving work organisation, ensuring employee participation and developing personal competence.

ILO Convention No. 155 concerning Safety, Health and the Working Environment and Recommendation No. 164 call on States to ensure that each country has the obligation to develop a strategy for occupational safety and health at national level. With the exception of Hungary, the Member States of the European Union had fully complied with this recommendation by 2016. In Hungary, the National Occupational Safety and Health Policy (NMP) was adopted in 2016, which set out the national OSH policy of Hungary for the period 2016–2022. To date, the strategic objectives set have only been partially achieved, and further work is needed in the coming period to achieve the strategic objectives.

Health and safety at work is one of the most important and challenging areas of EU policy. It is a major challenge for the EU to keep up with the rapid pace of change in the workplace. The European Union has been working for years to protect health at work and prevent pollution of our air, water and food chain from various sources. The EU Health Strategy (2008–2013), which has as one of its key principles the protection of citizens from health threats, will help us to do this. The legal basis for the EU's policy on health and safety at work is Article 137 of the EU Treaty, which gives the EU the power to lay down legal provisions in this area. Directive 89/391/EEC lays down the basic principles for the protection of health and safety at work. Other EU legislation in this area deals with specific OSH issues, such as noise, chemicals and pregnant workers.

The objectives and priorities of European policy are described in detail in the Community strategy on health and safety at work. It can be said that every five seconds a European worker suffers an accident at work. And every three and a half minutes in the EU, there is a fatal accident at work. It is important that workers know the risks involved and how to manage them. The consequences of accidents and illnesses at work are a burden for society as a whole and affect productivity and therefore competitiveness. Community legislation, together with national legislation, is a guarantee for the health and safety of workers at work. The European Agency for

---

<sup>4</sup> KOVÁCS Kata: *Munkahelyi egészség és biztonság jelentősége*. <https://brandma.hu/egyeb/munkahelyi-egeszseg-es-biztonsag-jelentosege/>, 9 March 2024.

Safety and Health at Work (EU-OSHA) works to make Europe a safer, healthier and more efficient place to work.

It is important to note that ISO 45001 is the first international standard to provide a comprehensive framework. The standard defines the requirements of the occupational health and safety management system and contains an application guide.

The purpose of the new standard is still to help prevent workplace accidents, injuries, and health problems for employees and all persons under the control of organizations. It is the employer's obligation to ensure safe working conditions that do not endanger health.<sup>5</sup> The purpose of using an occupational health and safety management (OHS) system is to enable the organization to provide safe and healthy workplaces, prevent work-related injury and health damage, and continuously improve OHS performance. The standard can be applied to any organization that wishes to establish, implement and maintain an EHS management system to improve occupational health and safety, eliminate hazards and minimize EHS risks.<sup>6</sup> It is important for organizations to proactively improve injury prevention and illness reduction while protecting the longevity of the organization, supporting business growth and competitiveness.

An important element of the standard is for the organization to be able to recognize the expectations of other interested parties (employees, contractual partners, authorities). It is important that they determine the risk factors inherent in their actions and provide solutions to deal with them. All this cannot be realized without the commitment of the top management, if it does not actively participate in the accountability of the actors and in the assessment of the processes.<sup>7</sup> ISO 45001 is compatible with other ISO standards such as ISO 9001 (quality management systems) and ISO 14001 (environmental management systems). Integrated management systems facilitate the joint application of different standards.

ISO 45001 is therefore a comprehensive and globally recognized standard that plays a significant role in the field of occupational health and safety.

The Sustainable Development Goals (SDGs) are a global initiative launched by the United Nations (UN) in 2015. The SDGs contain 17 interrelated goals that aim to end poverty, protect the planet and ensure prosperity for all people by 2030. These goals are:

- Ending poverty: Ending all forms of poverty everywhere.

---

<sup>5</sup> MÉLYPATAKI Gábor: *Az Ipar 4.0. és a jog kapcsolata – Problémafelvetések a foglalkoztatás és szociális biztonság témaköre kapcsán.* 10 March 2024.

<sup>6</sup> LAKATOS József: *A veszélyes tevékenységet folytató vállalkozások által működtetett biztonságirányítási rendszerek működési hatékonyságának növelése.* Doktori (PhD-) értekezés. [https://oda.uni-obuda.hu/bitstream/handle/20.500.14044/10289/Lakatos\\_Jozsef\\_ertekezes.pdf?sequence=1](https://oda.uni-obuda.hu/bitstream/handle/20.500.14044/10289/Lakatos_Jozsef_ertekezes.pdf?sequence=1), 11 March 2024.

<sup>7</sup> FOGARASI Attila – SZÜCS Endre: *Biztonságfilozófia és -történet, A szabványos irányítási rendszerek fejlődése, integrációja.* <https://oda.uni-obuda.hu/bitstream/handle/20.500.14044/24403/document.73.pdf?sequence=1>, 12 March 2024.

- End Hunger: End hunger, achieve food security, improve nutrition and promote sustainable agriculture.
- Health and well-being: Ensuring healthy living and promoting well-being for people of all ages.
- Quality education: Ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all.
- Gender Equality: Achieving gender equality and empowering all women and girls.
- Clean water and basic sanitation: Ensuring access to water and sanitation for all.
- Affordable and clean energy: Providing affordable, reliable, sustainable and modern energy for everyone.
- Decent work and economic growth: Promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.
- Industry, innovation and infrastructure: Building flexible infrastructure, promoting inclusive and sustainable industrialization and supporting innovation.
- Reducing inequalities: Reducing inequalities within and between countries.
- Sustainable cities and communities: Making cities and human settlements inclusive, safe, resilient and sustainable.
- Responsible consumption and production: Ensuring sustainable consumption and production patterns.
- Climate protection: Taking urgent measures to combat climate change and its effects.
- Oceans and marine resources: Conservation and sustainable use of oceans, seas and marine resources for sustainable development.
- Terrestrial Ecosystems: Protecting, restoring and sustainably using terrestrial ecosystems, sustainably managing forests, combating desertification, halting and reversing land degradation, and conserving biodiversity.
- Peace, justice and strong institutions: Promoting peaceful and inclusive societies for sustainable development, ensuring access to justice for all and building effective, accountable and inclusive institutions at all levels.
- Partnership to achieve the goals: Strengthening the tools needed to achieve the goals and revitalizing the global partnership for sustainable development.

The global health strategy of the European Union (EU) has a significant role at both regional and global levels.

The EU's Global Health Strategy is one of the pillars of the Global Gateway Strategy and the European Health Union, and these efforts should be directed towards the following three complementary priorities:

- improving people's health and well-being across the lifespan
- strengthening health systems and promoting universal health care
- preventing and combating health threats, including pandemics, by applying the "One Health" concept.

The EU's Global Health Strategy takes a comprehensive and complex approach to strengthen health systems, support research and innovation, improve global health governance and reduce health inequalities. In this way, the EU not only protects the health of its own citizens, but also contributes to the management of global health challenges and the achievement of sustainable development goals.

The impact of the EU's global health strategy on labor law

- Health and safety at work: The EU's global health strategy promotes the improvement of health and safety at work. As part of the strategy, the EU can support the provision of a safe working environment for workers, especially in areas where health risks are higher, such as in industries working with hazardous substances.
- Medical leave and benefits: The strategy can emphasize the importance of medical leave and benefits. Harmonization within the EU can improve sick leave rules and ensure that all workers have adequate access to health services.
- Mental health: The EU strategy can also cover the importance of mental health, encouraging programs aimed at supporting mental health for employers. This may include stress management training and psychosocial support at work.
- Health protection of international workers: The EU's global health strategy can also deal with the protection of the rights of international workers. This may be particularly important in cross-border work, where access to health care for workers is in different jurisdictions.

The EU's global health strategy can have a significant impact on labor law if it succeeds in effectively integrating health aspects into the labor law framework. Creating a healthy working environment, protecting the health of employees and supporting mental health can all contribute to the development of the field of labor law and the economic and social well-being of the EU.

### 3. Environmental law

We can talk about responsibility in the context of environmental protection in several dimensions. The whole of humanity is responsible for the destruction of the Earth's treasures, and the present generation is responsible for preserving a healthy environment for future generations. The state and all individuals are responsible for the protection of the environment, for the pollution of the environment for moral, political, religious and similar reasons.<sup>8</sup> In my opinion, people have a moral duty to ensure that future generations can enjoy a clean environment and healthy living

---

<sup>8</sup> CSÁK Csilla: A vállalatok környezeti felelőssége a compliance irányába tett lépések tükrében. *Miskolci Jogi Szemle. A Miskolci Egyetem Állam- és Jogtudományi Karának folyóirata* 17. évf., 2022/5. szám, (3. különszám), 76.  
<https://doi.org/10.32980.mjsz.2022.5.2188>



conditions. Humanity also has a responsibility to other species on the planet to ensure their survival and quality of life.

Protection of the environment – the aim of the Act is to establish a harmonious relationship between man and his environment, to ensure a high level of harmonised protection of the environment as a whole and of its elements and processes, and to ensure sustainable development.<sup>9</sup> The essence of the right to the environment can be found in the following claims: every human being has the right to live in a clean environment fit for human habitation, as a guarantee of this, one has the right to know about environmental hazards and the right to participate actively in decisions affecting the quality of the environment.<sup>10</sup> It depends to a large extent on the person's livelihood and financial background, making it difficult to enforce uniformly, if at all. The level of pollution of the environment, air and water in the countryside is completely different from that in a congested, busy city, for example. Even within a city, there are huge differences between peripheral areas or even between a block of flats in the centre, not to mention the differences in property and land prices. However, the fact is that there are differences in the quality of human life and the possibility of a healthy lifestyle, depending on the internal and external ecological conditions of the dwelling, the workplace and the municipality of residence.<sup>11</sup> The right to the environment and the duty to preserve and maintain a healthy environment are constitutionally declared in many countries. Yet the right to the environment has received unfairly little attention from constitutional law scholars. The primary reason for this is that the right to the environment is 'different' from other fundamental rights, differing in many important respects (subject matter, subject matter, means of enforcement, etc.) from classical human and fundamental rights.<sup>12</sup> The right to the environment is indeed different from classic human and fundamental rights in several ways. It can be said that these typically apply to individuals, such as freedom of speech, freedom of religion, or the right to own property. Individuals' rights are directly enforced and individuals can claim these rights. Regarding the right to the environment, this right can apply not only to individuals, but also to communities, future generations, and even humanity as a whole. The measures taken for the sake of environmental protection aim to ensure sustainable development and the preservation of natural resources, which is in the interest of the whole society.

The right to the environment has several important characteristics that distinguish it from traditional rights, both classical freedoms and second generation rights. They are global in nature in so far as they serve not only to secure the rights of individuals or of a narrow or broad group of individuals, but also the survival of

<sup>9</sup> 1995. évi LIII. törvény a környezetvédelem általános szabályairól 1. § (1) para

<sup>10</sup> MAJTÉNYI Balázs: *Nemzetközi környezetvédelmi jog*. Budapest, 2001, 32.

<sup>11</sup> EFF Lajos: Hogyan lehet alkotmányos jog az egészséges környezethez való emberi jog? *Ökotáj* 1992, 1.

<sup>12</sup> CSINK Lóránt – T. KOVÁCS Júlia: Paradigmaváltás a környezet alapjogi jellegében? *Jogelméleti Szemle* 2013/4., 42.

human life and of the human species as a whole; and the global nature of environmental problems means that the right to the environment is not a matter for the efforts of a single state. It should be noted that environmental regimes and possible environmental disasters, do not take into account artificially created borders and state boundaries based on international treaties, one of the main principles of environmental law, established as a response to environmental disasters, is the principle of cooperation, whereby states have an important role to play as users of the environment and society, and are obliged to cooperate in order to protect and restore the environment, while one of the most important principles of international environmental law is that no state has the right to use its territory in a way that would cause damage to the territory of another state. We can say that the emergence and strengthening of the right to the environment is linked to social changes. Environmental legislation has many antecedents, which only serve to underline the fact that man has been exerting an increasingly powerful influence on his environment for as long as he has been on Earth, and that action against adverse environmental impacts has always been justified in different eras.<sup>13</sup>

With regard to the international regulation of the right to the environment, we can divide the relevant international documents into three groups, according to their weight in the human rights system.<sup>14</sup> Binding international treaties, these documents are legally binding on those who have ratified them. The signatory states have obligations to implement and comply with the provisions contained in the treaties. Soft legal instruments (soft law) these instruments are not legally binding, but have significant moral and political weight, and serve as guidelines in national legislation and in international relations. Regional agreements and conventions, these documents apply at the regional level and are adapted to the particularities of the given region.

The right to the environment imposes an obligation on States to refrain from activities that are harmful to the environment and to give priority to policies that improve the quality of the environment, States must also ensure that people are protected from environmental risks, whether generated by government or private individuals.

With regard to the international regulation of the right to the environment, we can divide the relevant international instruments into three groups in terms of their weight in the human rights framework.<sup>15</sup> Official catalogues of human rights belong to the first group.

The UN Covenants and the European Convention on Human Rights. These generally do not make direct reference to the protection of the environment and the

---

<sup>13</sup> BÁNDI Gyula: *Környezetjog*. Szent István Társulat, Budapest 2011, 13.

<sup>14</sup> The classifying of Gyula Bándi. See: BÁNDI Gyula: *Környezetjog*. Osiris Kiadó, Budapest, 2006, 63.

<sup>15</sup> The classifying of Gyula Bándi. See: BÁNDI Gyula: *Környezetjog*. Osiris Kiadó, Budapest, 2006, 63.

right to the environment, the primary reason being that these conventions are older than the worldwide problem of protecting the environment.<sup>16</sup>

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care...” The International Covenant on Economic, Social and Cultural Rights. Article 7 states that “...(recognize) the right of everyone to just and favourable conditions of work providing in particular...(b) safe and healthy working conditions.” According to Article 12.1, “... (recognize) the right of everyone to the enjoyment of the highest attainable standard of physical and mental health...” According to Article 12.2, “... measures (relating to the above) shall include in particular ... (b) the improvement of the health of the environment and of industry in all its aspects...” The second group includes those non-binding international instruments which set out the right to the environment at the level of principles.<sup>17</sup>

According to the Environmental Protection Act, environmental protection is a set of activities and measures aimed at preventing the endangerment, damage or pollution of the environment, at reducing or eliminating the damage caused, and at restoring the situation prior to the damaging activity.<sup>18</sup> In my opinion, these activities and measures ensure the sustainability of the environment and the preservation of the ecological balance, thereby promoting the protection of human health and natural resources.

Under our Environmental Protection Act, environmental users are obliged to provide environmental insurance for their activities as defined by a separate government decree, and may be required to take out environmental insurance to ensure the financing of unforeseen environmental damage caused by their activities, under conditions specified in a separate law. The user of the environment may set up an environmental reserve for environmental liabilities that are likely or certain to arise in the future, as specified in a separate government decree. The activities, as well as the form and amount of the security, the conditions for its use, the rules for its accounting and record-keeping, and the rules for environmental insurance are laid down by Government decree.<sup>19</sup>

Areas of environmental protection: air cleanliness protection, water quality protection, soil protection, protection against noise and vibrations, waste management.

#### **4. Noise protection with regard to the effect of physical pathological factors**

Hearing and speech are the most important means of communication in social relations between people, which are indispensable in the performance of many jobs

---

<sup>16</sup> The Universal Declaration of Human Rights, 25.article

<sup>17</sup> BÁNDI Gyula: *Környezetjog*. Osiris Kiadó, Budapest, 2006, 63.

<sup>18</sup> 1995. évi LIII. törvény 4. § 32. point

<sup>19</sup> CSÁK Csilla: *A környezetjogi felelősség érvényesítésének pénzügyi biztosítékai*. <https://docplayer.hu/6151083-Csak-csilla-a-kornyeztjogi-felelosseg-ervenyesitesenek-penzugyi-biztositekai.html>, 15 March 2024.

and tasks, therefore their loss or damage, in addition to behavioral and social integration disorders, means a decrease in work ability and employment problems.

Rapid technological development and changing social and economic conditions have a significant impact on employment. As a result, in order to effectively protect against new and newly emerging risk factors, it is important to take appropriate legislative action, which can create the possibility for actors in employment relationships to adapt to the changes.

I find the issue of dealing with physical, chemical, biological, ergonomic and psychosocial risk factors arising in relation to forms of work to be a particularly interesting area, which nowadays appear in ever more diverse forms, thus putting workers at increased risk. Ensuring appropriate working conditions for employees is essential in order to preserve their health and be able to perform their tasks to the fullest extent possible, thus contributing to maintaining the economic competitiveness and productivity of the employer organization. The most common causes of occupational diseases in the work environment are high and low temperatures, noise, vibration, air pressure, effects of electric current, ionizing and non-ionizing radiation. Noise, temperature, electric and electromagnetic fields, air pressure changes, and non-ionizing rays are present in our everyday life. Regarding the origin of noise, it can come from activities carried out in industrial plants, as well as from the environment (noise from traffic, the most common source of noise). Noise exposure is significant in many industries on a daily basis: textile industry, machine manufacturing, carpentry and furniture industry, forestry, metalworking.

If the noise exposure exceeds the lower intervention limit value (80 dB), then the employer is obliged to provide individual hearing protection, but if it reaches the upper intervention value (85 dB), then the employee is obliged to wear it and the employer requires and controls its wearing, and the as a result of measures, the employee's noise exposure may not exceed the so-called noise exposure limit (87 dB). In case of exposure above 85 dB, increased exposure usually develops after 5 years, and hearing damage after more than 10 years.

Regular exposure to loud noise, as well as (even one-time) very strong impulsive or impact noise (from explosions, collisions) can cause permanent hearing loss or other damage to the ear, such as tinnitus. Both hearing loss and tinnitus are irreversible damages that have a significant impact on everyday life.

Noise in the workplace can also pose a safety risk if workers do not hear the warning signals and safety alarms of the machines. Such a situation easily occurs in noisy workplaces, especially if the employees have already developed hearing loss or have to use a noise protection device.

Where possible, noise must be eliminated at its source or reduced to such a level that the factors endangering the worker are minimal.

Noise is measured with a so-called noise level measuring instrument. Modern noise meters are suitable for recording the following parameters: instantaneous maximum value (dB peak), maximum value measured with "T" time constant,

minimum/maximum with “S” or “F” time constant, measurement “A”, “C” or “D” filter, the equivalent noise level related to the measurement period<sup>20</sup>.

66/2005. (XII. 22.) EüM decree provides for the minimum health and safety requirements for noise exposure to employees.

Chronic hearing loss caused by occupational noise exposure is very common worldwide and in the European Union as well. 120 million workers worldwide live with chronic hearing loss. More than 30 million EU workers are exposed to noise, and 13 million workers suffer from hearing loss at work. 10 percent of the Hungarian adult population suffers from hearing loss. In the European Union-wide occupational safety survey published in 2005 by the European Occupational Safety and Health Agency, noise pollution is still prominent among the physical pathological factors, despite the fact that there are generally accepted limit values for noise exposure in the European Union and employer measures are in force.<sup>21</sup>

All of these appear significantly at the workplace, causing greater exposure. Physical pathological factors account for almost half of all occupational diseases in Hungary are caused, among which noise-induced hearing loss and local vibration are of outstanding importance caused by Raynaud’s disease.<sup>22</sup> In my opinion, noise-induced hearing loss is a common problem in noisy work environments such as factories, construction sites, or other industrial areas. As a result of persistently high noise levels, hearing gradually deteriorates, which can cause serious hearing loss in the long term.

The most important rules are contained in a regulation, namely Regulation 66/2005. (XII. 22.) EüM decree on the minimum health and safety requirements for noise exposure to employees. The law must be applied if, during work, employees are actually or supposedly exposed to risks from noise. Based on the Labor Protection Act 2. § (1): The state – in consultation with the interest representative bodies of employees and employers – defines the basic requirements, management and control institutions for safe and non-threatening work, as well as establishes national guidelines for the protection of health, work capacity, work safety and the work environment its policy, the implementation of which is periodically reviewed.<sup>23</sup>

Of course, not all negative effects of work can be eliminated, but the elimination of the risk factors mentioned in the occupational health and safety rules is the basic task and obligation of the employer, this is one of the basic principles of occupational health and safety, and the right of the employee guaranteed by the Basic Law.

It is important to remember that the goal is to reduce the risks that endanger the health and safety of employees, because if the employee falls out of work, medical treatment and rehabilitation expenses are much higher than if the investment were made in the development of occupational safety. Therefore, the only option is

<sup>20</sup> UNGVÁRY György: *Munkaegészségtan*. Medicina Kiadó, Budapest, 2000, 215.

<sup>21</sup> *Népegészségügy*. [https://nepegeszsegugyi-egyesulet.hu/sites/default/files/2020-08/91\\_1\\_2013.pdf](https://nepegeszsegugyi-egyesulet.hu/sites/default/files/2020-08/91_1_2013.pdf), 19 March 2024.

<sup>22</sup> UNGVÁRY György: *Munkaegészségtan*. Medicina Kiadó, Budapest, 2000, 208.

<sup>23</sup> 1993. évi XCIII. törvény a munkavédelemről 2. § (1) para

prevention, which can be used to avoid the development of occupational diseases, work accidents, and health-damaging risks caused by pathological factors.

There is broad agreement among leading global and regional organizations, including the WHO, the International Labor Organization (ILO), and the European Union (EU) that workers' health, safety and well-being ('well-being') is a question of fundamental importance. This is extremely important not only for employees and their families, but also for productivity, competitiveness and sustainability, i.e. for businesses and organizations, and thus also for the national economy, countries and ultimately the global economy. In other words, the huge economic costs of workplace injuries inhibit both economic growth and competitiveness, and accident-freeness improves competitiveness. A recent WHO report aptly points out the economic relevance of occupational health hazards: The ILO estimates that two million women and men die each year as a result of workplace accidents and work-related diseases. The WHO estimates that 160 million new work-related illnesses occur worldwide each year.

According to the WHO, risks inherent in workplace conditions cause more than a third of backaches, 16% of hearing impairments, nearly 10% of lung cancer cases, or around 8% of depression. Every three and a half minutes, someone dies in the European Union as a result of work-related risks. This means that approximately 167,000 deaths from this cause occur each year in Europe alone. These can be traced partly to workplace accidents (7,500) and partly to occupational diseases (159,500). On average, every four and a half seconds, a worker in the EU suffers an accident that forces them to stay at home for at least three working days. The number of workplace accidents resulting in absence of three or more days is also huge, more than 7 million per year.<sup>24</sup>

"The day will come when man will be forced to fight against a dangerous enemy of his health, noise, in the same way as he once fought against cholera and the plague", expressed his fear a hundred years ago, the German doctor and bacteriologist Robert Koch. His statement was not accepted at the time seriously, noise has become an increasingly worrisome issue today.<sup>25</sup>

## Summary

The working conditions, social security and safety of the employees determine the effectiveness of the work and the motivation to work. The work process, technology, work equipment, and material must be chosen in such a way that they do not endanger the health and safety of either the employees or those in the scope of the work. In any case, the affected employees and their occupational health and safety representatives must be informed about the risks affecting health and safety

---

<sup>24</sup> KUN Attila: A munkahelyi egészségkárosodások megtérítése a magyar munkajogban – felelősségi szabályok és kompenzáció. *MAGYAR MUNKAJOG E-folyóirat* 2014/1., 92.

<sup>25</sup> *A kiskereskedelemben végzett munka élettani hatásai*. [https://kiskerbiztonsag.hu/wp-content/uploads/2018/07/kiskereskedelemben\\_vegzett\\_munka\\_elettani\\_hatasai.pdf](https://kiskerbiztonsag.hu/wp-content/uploads/2018/07/kiskereskedelemben_vegzett_munka_elettani_hatasai.pdf), 9 April 2024.

and about the preventive measures. The health problems and physical and mental well-being of employees have a direct impact on the performance, productivity, and efficiency of companies. Therefore, it is very important that employers also have an interest in supporting their employees in maintaining their health and solving their health problems.

The individual's right to a healthy environment may in the future also extend to refusing to perform work that is harmful to the environment.<sup>26</sup>

In any case, it requires serious employee awareness and commitment to environmental values, union cooperation and the ability to assert social interests in order to protect employees. However, under the current circumstances, it does not seem feasible in the short term. Consultation between employers, employees and their representative bodies should definitely be started, by involving employers in various ways so that they feel their responsibility and interest in preserving the health of their employees. The development of occupational health and safety should contribute to the increase of productivity, competitiveness and the sustaining capacity of society through the improvement of working conditions, as well as to the quality retention of the workforce by implementing the following: by developing a conscious value system for employers and employees that takes into account the aspects of occupational health and safety; with the long-term preservation of mental, physical and psycho-social well-being; with the continuous development of expertise; striving for primary prevention by improving the health of the workforce; by improving the voluntary law-abiding behavior of employers and employees, and by introducing new types of prevention methods in addition to official measures. It is worth noting the development of a mandatory continuing education system for occupational safety and health professionals, the effectiveness of prevention depends on the up-to-dateness and quality of the knowledge of professionals, therefore it is necessary to maintain and develop knowledge at a continuous level. Changes in legislation and technical development justify the long-term provision of high-quality occupational health and safety professional tasks. Mandatory regular further training of occupational safety specialists needs to be developed, in such a way that successful participation in further training is a condition for continuing the occupation.

A person calls his workplace his second home because he spends a significant part of his life there, and therefore it does not matter under what conditions and how he spends it. Every person needs to spend this considerable amount of time in a cultured environment, in healthy and safe conditions.<sup>27</sup>

Nowadays, unfortunately, not everyone is given the opportunity to work in a safe workplace, many people do their work in dangerous conditions. Workplace accidents are relatively easy to prove, since they are events occurring in a well-

---

<sup>26</sup> KARDOS Gábor: *Emberi jogok egy új korszak határán*. T-Twins Kiadó, Budapest, 1995, 60.

<sup>27</sup> BÓDI Marianna: *Biztonságos munkakörülmények, munkahelyi ártalmak*. [https://www.niye.hu/Downloads/Szakkepzesi\\_dokumentumok/Bemeneti\\_kompetenciak\\_meresi\\_ertekelesi\\_eszkozrendszerenek\\_kialakitasa/1\\_2328\\_005\\_101231.pdf](https://www.niye.hu/Downloads/Szakkepzesi_dokumentumok/Bemeneti_kompetenciak_meresi_ertekelesi_eszkozrendszerenek_kialakitasa/1_2328_005_101231.pdf), 11 April 2024.

defined area and time, which can most often be clearly linked to work, so the employer's liability for compensation can be proven. Employees are afraid of their workplace and do not know their rights, so they often enter into unfair agreements when they fall ill due to poor working conditions or suffer permanent health damage as a result of an industrial accident. Employers take advantage of the good faith and ignorance of their employees, and abuse their position of power.

### Bibliography

- [1] CSÁK Csilla: A vállalatok környezeti felelőssége a compliance irányába tett lépések tükrében. *Miskolci Jogi Szemle, A Miskolci Egyetem Állam- és Jogtudományi Karának folyóirata* 17. évf., 2022, 5, 3. különszám, 76.  
<https://doi.org/10.32980.mjsz.2022.5.2188>
- [2] MAJTÉNYI Balázs: *Nemzetközi környezetvédelmi jog*. Budapest, 2001.
- [3] EFF Lajos: Hogyan lehet alkotmányos jog az egészséges környezethez való emberi jog? *Ökotáj* 1992.
- [4] CSINK Lóránt – T. KOVÁCS Júlia: Paradigmaváltás a környezet alapjogi jellegében? *Jogelméleti Szemle* 2013/4., 42–55.
- [5] BÁNDI Gyula: *Környezetjog*. Szent István Társulat, Budapest, 2011.
- [6] BÁNDI Gyula: *Környezetjog*. Osiris Kiadó, Budapest, 2006.
- [7] UNGVÁRY György: *Munkaegészségtan*. Medicina Kiadó, Budapest, 2000.
- [8] KUN Attila: A munkahelyi egészségkárosodások megtérítése a magyar munkajogban – felelősségi szabályok és kompenzáció. *MAGYAR MUNKAJOG E-folyóirat* 2014/1., 91–119.
- [9] KARDOS Gábor: *Emberi jogok egy új korszak határán*. T-Twins Kiadó, Budapest, 1995.

### List of legislation

- [1] Alaptörvény
- [2] 3068/2013. (III. 14.) AB határozat
- [3] 1995. évi LIII. törvény a környezetvédelem általános szabályairól
- [4] Az Emberi Jogok Egyetemes Nyilatkozata
- [5] 1993. évi XCIII. törvény a munkavédelemről

### Online resources

- [1] KOVÁCS Kata: *Munkahelyi egészség és biztonság jelentősége*. <https://brandma.hu/egyeb/munkahelyi-egeszseg-es-biztonsag-jelentosege/>, 9 March 2024.



- 
- [2] MÉLYPATAKI Gábor: *Az Ipar 4.0. és a jog kapcsolata, Problémafelvetések a foglalkoztatás és szociális biztonság témaköre kapcsán*. <https://ojs.elte.hu/jesz/article/view/5533/4479>, 10 March 2024.
- [3] LAKATOS József: *A veszélyes tevékenységet folytató vállalkozások által működtetett biztonságirányítási rendszerek működési hatékonyságának növelése*. Doktori (PhD-) értekezés. [https://oda.uni-obuda.hu/bitstream/handle/20.500.14044/10289/Lakatos\\_Jozsef\\_ertekezes.pdf?sequence=1](https://oda.uni-obuda.hu/bitstream/handle/20.500.14044/10289/Lakatos_Jozsef_ertekezes.pdf?sequence=1), 11 March 2024.
- [4] FOGARASI Attila – SZÜCS Endre: *Biztonságfilozófia és -történet. A szabványos irányítási rendszerek fejlődése, integrációja*. <https://oda.uni-obuda.hu/bitstream/handle/20.500.14044/24403/document.73.pdf?sequence=1>, 12 March 2024.
- [5] CSÁK Csilla: *A környezetjogi felelősség érvényesítésének pénzügyi biztosítékai*. <https://docplayer.hu/6151083-Csak-csilla-a-kornyeztjogi-felelossegervenyesitesenek-penzugyi-biztositekai.html>, 15 March 2024.
- [6] *Népegészségügy*. [https://nepegeszsegugyi-egyesulet.hu/sites/default/files/2020-08/91\\_1\\_2013.pdf](https://nepegeszsegugyi-egyesulet.hu/sites/default/files/2020-08/91_1_2013.pdf), 19 March 2024.
- [7] *A kiskereskedelemben végzett munka élettani hatásai*. [https://kiskerbiztonsag.hu/wp-content/uploads/2018/07/kiskereskedelemben\\_vegzett\\_munka\\_elettani\\_hatasai.pdf](https://kiskerbiztonsag.hu/wp-content/uploads/2018/07/kiskereskedelemben_vegzett_munka_elettani_hatasai.pdf), 9 April 2024.
- [8] BÓDI Marianna: *Biztonságos munkakörülmények, munkahelyi ártalmak*. [https://www.nive.hu/Downloads/Szakkepzesi\\_dokumentumok/Bemeneti\\_kompetenciak\\_meresi\\_ertekelesi\\_eszkozrendszerenek\\_kialakitasa/1\\_2328\\_005\\_101231.pdf](https://www.nive.hu/Downloads/Szakkepzesi_dokumentumok/Bemeneti_kompetenciak_meresi_ertekelesi_eszkozrendszerenek_kialakitasa/1_2328_005_101231.pdf), 11 April 2024.