

# Government Decree 598/2021 (28 October)

## on protecting workplaces against the coronavirus

The Government,

acting within its original legislative power laid down in Article 53 (2) of the Fundamental Law, having regard to section 51/A of Act CXXVIII of 2011 on disaster management and amending certain related Acts,

acting, with respect to section 5, within its original legislative power laid down in Article 53 (3) of the Fundamental Law, on the basis of an authorisation by the National Assembly pursuant to section 2 (1) of Act I of 2021 on the containment of the coronavirus pandemic,

acting within its function laid down in Article 15 (1) of the Fundamental Law, decrees as follows:

**Section 1** (1) The objective of this Decree is to authorise companies, undertakings and institutions to prescribe, on a proposal by the employers' organisations, as a condition for work for employees vaccination against SARS-CoV-2 coronavirus (hereinafter "vaccination") if they find it necessary for ensuring the safety of persons working for them.

(2) With the exception provided for in paragraph (2a), the provisions of this Decree shall apply to an employee who does not fall within the scope of Government Decree 599/2021 (28 October) on mandatory vaccination against coronavirus for employees of state and local government institutions (hereinafter "employee").

(2a) The rules on making vaccination a condition for work shall be laid down by the Government in a separate decree at the initiative of the following:

*a)* for those employed in the judiciary and with respect to the own organisation:

*aa)* the President of the Curia,

*ab)* the President of the National Office for the Judiciary,

*ac)* the Prosecutor General,

*b)* for those employed at the Office of the Constitutional Court, the President of the Constitutional Court.

**Section 2** (1) For the protection of health and taking account of the characteristics of the workplace and the position concerned, the employer can make vaccination a condition of work for employees who did not get vaccinated before the entry into force of this Decree, except for employees exempt from vaccination under paragraph (4).

(2) In his measure taken under paragraph (1), the employer shall set a time limit of at least 45 days for vaccination which for single-dose vaccines applies to the vaccination itself and for

double-dose vaccines to the first dose of vaccine. In the case of double-dose vaccines, the second dose of the vaccine shall be administered on the date set by the doctor administering the vaccination.

(3) The employer shall notify the employee by electronic means, including the use of email, or on paper of the measure taken under paragraph (1), the time limit set under paragraph (2) and the possible legal consequences of a failure to get vaccinated.

(4) An employee cannot be obliged to get vaccinated if vaccination is contraindicated for him due to health reasons and this fact is supported by a medical expert opinion under paragraph (5).

(5) The medical expert opinion shall be issued, at an initiative by the employee, by the medical expert of the occupational health service responsible for the employer, or if there is no such occupational health service, by any other doctor authorised to establish the medical fitness of the employee for the activities performed under his legal relationship, or if there is no such doctor, by the general practitioner of the employee.

(6) The employee shall verify being vaccinated by furnishing, in a manner specified by the employer, an official verification card suitable for verifying identity together with one of the following documents:

*a)* an EU Digital COVID Certificate within the meaning of Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate),

*b)* an immunity certificate without a date of expiry or an IT application within the meaning of Government Decree 60/2021 (12 February) (hereinafter "Government Decree 60/2021") on certifying immunity to coronavirus,

*c)* a vaccination certificate issued by the doctor certifying vaccination in accordance with the template published on the website of the National Public Health Centre,

*d)* an international certificate of vaccination issued by the World Health Organization, provided that it includes a note by the doctor certifying vaccination recording the fact that vaccination was administered,

*e)* an immunity certificate issued by a state whose immunity certificates are recognised by Hungary and this fact is established in a decree by the Minister responsible for foreign policy in agreement with the Minister responsible for border management.

(7) For the purposes of this Decree, only a vaccine within the meaning of section 1 (1) *b)* of Government Decree 60/2021 shall be taken into account.

(8) If an employee fails to get vaccinated within the time limit set by the employer, the employer may order the employee to take unpaid leave, except for employees exempt from vaccination under paragraph (4).

(9) By way of derogation from legislation applicable to the employment, the employer may terminate an employee's legal relationship by dismissal or by unilateral termination if one year has passed since ordering unpaid leave under paragraph (8) and

*a)* the employee did not certify getting vaccinated to the employer in a manner specified in paragraph (6), and

*b)* the employee did not produce the medical expert opinion under paragraph (5).

(10) If the employment relationship is terminated for a reason under paragraph (9), the employee shall be informed without delay about the ground for and legal consequences of termination.

(11) If the employee gets vaccinated after he has been ordered to take unpaid leave under paragraph (8), the employer shall terminate that unpaid leave without delay.

(12) An employee who was exempted from his obligation to stand by and to perform work before the expiry of the time limit for vaccination under this Decree may be obliged by the employer to get vaccinated once his exemption from the obligation to stand by and to perform work terminates.

**Section 3** (1) The employer shall process the employee's data pertaining to

*a)* getting vaccinated that are recorded in the official verification card and documents under section 2 (6), and

*b)* vaccination being contraindicated as indicated by the medical expert opinion under section 2 (5).

(2) The employer may process the data under paragraph (1) to the extent and for the time required for reaching the objective of data processing, but for not longer than until the end of the state of danger within the meaning of Government Decree 27/2021 (29 January) on the declaration of state of danger and the entry into force of state-of-danger measures.

**Section 4** (1) With the exception specified in paragraph (2), this Decree shall enter into force on 1 November 2021.

(2) Section 5 shall enter into force on 15 November 2021.

**Section 5** (1) The Government extends the temporal scope of this Decree until Act I of 2021 on the containment of the coronavirus pandemic is repealed.

(2) This Decree shall be repealed when Act I of 2021 on the containment of the coronavirus pandemic is repealed.