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A "THIRD WAY" IN LABOUR LAW?

AN OVERVIEW OF THE NEW HUNGARIAN LABOUR CODE – BETWEEN EXTREME LIBERALISM AND REMINISCENCES OF THE CENTRALIZED PLANNED ECONOMY



ABSTRACT

Arguing the economic crisis and more specifically the Hungarian economic difficulties, a new Labour Code – shattering the concept and function of labour law – was literally imposed without any prior democratic debate. Determined to encourage employment and increase national competitiveness on the global market, the Government pursues an unchanging objective around saving costs and risk for the employers and opens wide opportunity to derogate even from the lowered statutory standards; no matter the weakening of employees' statutory protection.

KEY WORDS : Labour Code, liberalism, individual and collective autonomy, employment flexibilization, Collective labour relations.

RÉSUMÉ

Arguant de la situation de crise économique en Europe et plus spécifiquement des difficultés économiques nationales en Hongrie, un nouveau Code du travail – bouleversant l'esprit protecteur et la fonction première de la discipline – a été littéralement imposé sans débat démocratique préalable. Déterminé à encourager l'emploi et à augmenter la compétitivité nationale sur le marché mondial, le gouvernement poursuit ainsi un objectif immuable de réduction des coûts et des risques en faveur des employeurs et offre de larges possibilités de dérogation, y compris des normes légales ; peu important l'affaiblissement de la protection juridique des salariés en découlant.

MOTS CLÉS : Code du travail, libéralisme, autonomie individuelle et collective, flexibilisation de l'emploi, relations collectives de travail.