



To Ursula Von der Leyen
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Nicolas Schmit
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Adina Valean
Commissioner for Transport
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Brussels, 29 July 2021

Attacks on air traffic management workers in Hungary and disrespect to the rule of law by Hungarian government

Dear President Von der Leyen, Commissioner Schmit, and Commissioner Valean,

We are writing to you on behalf of the European Transport Workers' Federation (ETF), representing 5 million transport workers including approximately 370,000 aviation workers around Europe.

We are extremely concerned about the air traffic management (ATM) workers at Hungarian Air Navigation Service Provider (ANSP) Hungarocontrol, notably their right to strike as secured in Article 28 of the Charter of Fundamental Rights of the European Union.

After weeks of negotiation, both parties were unable to reach agreement and the Control MLISz union declared a strike, scheduled to commence on 15th July. However, in order to respect national regulations, workers needed first to obtain a legally binding Court decision to start the strike. As they were waiting for such a decision, they kept postponing the start of the strike day-by-day, until the decision was received on 26th July.

The action announced by workers was disputed by the employer since the beginning. Nevertheless, the decision 2.Mpkf.35.080/2021/5 by the Hungarian Appeal Court, issued on 20th July and delivered to the parties on 26th July, ratified that such action is in line with Hungarian law. Moreover, it contained a definition of minimum services, as suggested by Hungarocontrol trade union, Control MLISz. Hence, nothing was anymore preventing the workers from starting the strike the following day, on 27th July 2021.

However, on the same day that the Court decision was delivered, 26th July, but only a couple of hours later, the Hungarian Government published two decrees¹ that contradict the courts' decision. One decree effectively bans any strike at the company delivering air traffic

¹ <https://magyarkozlony.hu/dokumentumok/4bf18ce43d5eda4be4a7d07291d00febddef4dcf/megtekintes>

services, while the other obliges ATM workers to continue on-the-job training and other training instructor activities during the period for which the strike was initially scheduled. This is in contradiction with the court decision, which defines minimum services and in which neither on-the-job training nor instructor activities are part of them. Last but not least, the two decrees have been issued on the back of the COVID-19 pandemic, referring to the ongoing state-of-emergency.

This is yet another example of how the Hungarian government continues to disrespect the rule of law, in a clear forced intimidation action against its own citizens. Moreover, it misuses the COVID-19 pandemic to pursue its anti-workers agenda. The government decrees have been issued de facto on the request of the Hungarian ANSP, which shows the lack of any initiative to reach a fair and agreeable conclusion. In practice this reactionary action completely ignores the views of the workers in the dispute.

Apart from preventing the workers from exercising their right to strike, such an interference by the Hungarian government into the provision of air navigation services creates an environment of hostility, increases stress levels amongst the workforce and puts additional pressure on workers. It is alarming that such actions are happening in the midst of the COVID-19 pandemic, which is known to have led to increased fatigue and which have brought negative consequences on workers' wellbeing and mental health.² Moreover, the pressure put on the workers by the authorities creates a stressful and hostile environment and therefore may pose a serious safety risk to passengers, workers and the overflown population.

As Hungary is an EU Member State, it is essential that a high level of social dialogue, and protection of fundamental workers' rights is upheld at Hungarocontrol. This has not been the case so far. As enshrined in the Pillar of Social Rights, Charter of Fundamental Rights of the European Union and the Treaty on the Functioning of the European Union, it is essential that the rights of workers are respected, including the right to social dialogue, secure and adaptable employment, and the right and freedom of workers to go on strike. We therefore call on you to act now through the necessary legal means, to ensure transport workers' rights in Hungary are upheld just as they must be in any other EU Member State.

As with many in the EU, we are deeply concerned about the general approach of the Hungarian government to the protection of human rights. Once again, this action of the Hungarian government deprives EU citizens of their fundamental rights. We are of the view that significant action must now be taken by the European Commission to uphold Article 28 of the Charter of Fundamental Rights in the European Union, and promote industrial relations in Hungary which are more in line with those envisaged in the Pillar of Social Rights, and TFEU. We are deeply concerned that this event could trigger an even wider backlash against

² The Fatigue of Aviation Personnel in the Context of COVID-19, 20 October 2020, EASA
<https://www.easa.europa.eu/community/system/files/2020-10/Fatigue%20in%20Aviation%20Personnel%20in%20COVID-19%20v1.0.pdf>

social dialogue and workers' rights in Hungary and in the Union. Therefore, we believe a strong and swift reaction is necessary.

We are sure you would agree that these actions are serious in nature, and must not happen in an EU Member State. That is why we call on you to act promptly on this matter and send a strong, clear message to the government of Hungary that anti-worker and anti-union actions cannot and will not be tolerated in the EU. Social dialogue, and the protection of workers' rights in Hungary must be strengthened, not weakened, and this is an opportunity for the EU block to demonstrate and ensure the values we all stand for. Furthermore, we urge you to act promptly in order to send a strong signal to the people of Hungary and to Hungarian air transport workers in particular that the EU will stand for their rights, their wellbeing and their safety.

Finally, and most importantly, the only way out of the current situation is through supporting a constructive social dialogue. We call on you to use all possible means to revoke the decree effectively blocking the right to strike, and to force both the Hungarian authorities and Hungarocontrol to the negotiating table to try and achieve an agreeable solution amongst both parties.

Respectfully,



Livia Spera
ETF General Secretary