TO DARE OR NOT TO DARE? CLASSIFICATION OF WORKERS AND THE HUNGARIAN LABOUR LAW

by Ildikó Rácz

The purpose of this paper is to highlight some problems in the so-called "gig economy", concerning especially the classification of workers, with regard to the Hungarian context (more accurately, the so-called 'third' employment category in a general way, not only from the gig-economy perspective). In fact, the classification of workers in the gig economy has recently been the subject of a heated debate. This is not the first time labour law regulation has been confronted with similar problems. The debate about the introduction of a third category of workers to cover the 'grey area' between self-employed and employees had already arisen before the gig economy became a subject of public debate. At the same time, we cannot underestimate the importance of the problem. The contribution focuses on the recent proposal of introducing such a third category into Hungarian law, the "person similar to an employee". It describes the main protection rules, as well as the planned scope of this category, and the potential of its application. It explains why the proposal had been rejected, in the Hungarian political debate, just a few years ago, and why it could give rise to disputes once again.

L'obiettivo del presente scritto è sottolineare alcuni problemi nel campo della cosiddetta "gig economy", riguardanti in particolare la classificazione dei lavoratori nel contesto ungherese. La classificazione dei lavoratori nella *gig economy* è stata oggetto di un acceso dibattito, per quanto non sia la prima volta che la regolamentazione del diritto del lavoro incontra una problematica simile. Le discussioni riguardo all'opportunità di introdurre una terza categoria di lavoratori, per coprire l'"area grigia" che si colloca a metà fra il lavoro autonomo e quello subordinato, precedono in effetti l'entrata della *gig economy* nel dibattito pubblico. L'importanza del problema non deve tuttavia essere sottovalutata. Il presente contributo analizza la proposta di introdurre questa terza categoria – la "persona simile a un dipendente" – all'interno dell'ordinamento ungherese, delineandone le principali norme di protezione e l'effetto dell'introduzione di tale categoria, così da valutare l'opportunità della sua applicazione. Lo scritto illustra infine perché, nel recente passato, l'introduzione di questa categoria intermedia di lavoratori veniva rifiutata nel dibattito politico ungherese, e come la stessa potrebbe nuovamente dare luogo a controversie.

1. Introduction

First of all, this study will review the main problems in the field of the gig economy, and the idea of introducing a third category of workers. Thereafter, the Hungarian

Ildikó Rácz, PhD Candidate at Károli Gáspár University of the Reformed Church in Hungary, Budapest.

labour law system and the labour law reform will be described in relation to this new third category[1].

Regardless of how we describe it – sharing, platform, on-demand economy –, it has been realised that law regulation faces a challenge. This new type of economy has given rise to a lot of new kinds of work and working conditions. However, the existing legal framework is not adequate to dealing with problems when they arise.

We could summarise the basic problems with workers in the gig economy as follows: "Workers that can be called by clients and customers at a tap on their mobile, perform their task and disappear again in the crowd or in the on-demand workforce materially risk being identified as an extension of an IT device or online platform" (De Stefano, 2016, p. 5).

Obviously, one of the main questions is the classification of workers. Because, depending on the nature of the classification, they will be entitled to different employment and labour law protection such as minimum wage, social security, anti-discrimination, sick pay, holidays, and so on.

In addition to these questions concerning individual labour law, it would also be necessary to look at the issues of *collective labour law*: for instance, establishing trade unions or joining existing ones to exercise collective labour law rights and obtain protection by means of collective agreements (Waas *et al*., 2017).

Another significant issue is about *fundamental principles* and rights at work, including the abovementioned freedom of association and the effective recognition of the right to collective bargaining. It is necessary to mention the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation[2].

The challenges of "new forms of work" are not new, but technology is. The digital intermediation is what sets the gig economy apart from, for instance, the way in which staffing agencies work[3]. It could be certainly stated that protection of labour is needed in such cases, and the use of new technology such as an online platform should not matter; it cannot be a valid excuse for evading the law (Davidov, 2017).

The most important aspect we should take into consideration is to ensure some basic protection to all workers. No matter the category into which they are classified, there must be general safeguards. "When we encounter new work arrangements such as these, we should not ask whether they are similar to 'traditional' employment or not, but rather whether this is the kind of arrangement that requires the application of labour laws, given their purposes" (Davidov, 2017, p. 6).

As was discussed in the Opinion of Advocate General Szpunar[4], one of the main questions in relation to Uber's operations (and to similar app-based working arrangements) is whether the intermediation between passengers and drivers is a transport activity or an information society service. It is not a closely labour law-related question, but it could have an effect on labour law matters too. In legal terms, the platform's terms and

[1] According to the international literature, the third category of workers placed between employees and independent contractors.

[2] International Labour Organization (ILO), ILO Declaration on Fundamental Principles and Rights at Work, June 1988.

[3] As J. Prassl said to the *Nordic Labour Journal* (the interview is available at: http://www.nordiclabourjournal.org/i-fokus/in-focus-2017/sharing-economy-2017/article.2017-05-26.1171593981).

[4] Opinion of Advocate General Szpunar delivered on 11 May 2017, Court of Justice of the European Union (CJEU), case C-434/15, *Asociación Profesional Elite Taxi v Uber System Spain SL*.

conditions in each country vary according to local conditions, for instance the US version is informing customers in capital letters that they "ACKNOWLEDGE THAT UBER DOES NOT PROVIDE TRANSPORTATION OR LOGISTICS SERVICES OR FUNCTION AS A TRANSPORTATION CARRIER" (Prassl, 2015, p. 2).

The aforementioned Opinion asserts that we cannot treat Uber as a mere intermediary between drivers and passengers. "Drivers who work on the Uber platform do not pursue an independent activity that exists independently of the platform. On the contrary, the activity exists solely because of the platform, without which it would have no sense"[5]. The basic finding of this document is that "a service that connects, by means of mobile telephone software, potential passengers with drivers offering individual urban transport on demand, where the provider of the service exerts control over the key conditions governing the supply of transport made within that context, in particular the price, does not constitute an information society service"[6].

2. Need for protection, need for regulation

Although we do not have to analyse and explain so in depth why workers in the new economy need protection, two overriding factors could be mentioned: flexibility and dependency.

An important characteristic of gig-economy workers is *flexibility*. They can work when they want and as much as they want, actually working activities are provided "just-in-time" and compensated on a "pay-as-you-go" basis. This kind of flexibility on the workers' side – in a sense – tries to balance, for instance, the insecurity of working possibilities or to fix wages.

In the classification of workers, one of the main questions is *dependency* and democratic deficits/subordination (Davidov, 2005). We should take into account that "dependency" – which is the underlying ideological basis of labour law – would not be only a classical organisational, personal, psychological, or legal dependency, but it may also be a purely economic dependency (Kun, 2016). As Davidov said, "while employees should be identified by the accumulation of both characteristics, the group of 'workers' should consist of people who are dependent (mostly economically) on the relationship with a particular employer, even when no democratic deficits exist" (Davidov, 2005, pp. 57-8). "The main argument should be that dependency, in itself, should be used to identify 'workers' and trigger the application of (at least) some protective labour laws" (Davidov, 2005, p. 71).

In relation with dependency, *control* is a questionable point. According to the cited Opinion, "while this control is not exercised in the context of a traditional employer-employee relationship, one should not be fooled by appearances. Indirect control such as that exercised by Uber, based on financial incentives and decentralised passenger-led ratings, with a scale effect, makes it possible to manage in a way that is just as – if not more – effective than management based on formal orders given by an employer to his employees and direct control over the carrying out of such orders"[7]. All the same, the degree of control exercised by the "employer" has nothing to do with the degree of

[5] Opinion of Advocate General Szpunar, point 56.
[6] Opinion of Advocate General Szpunar, point 72.
[7] Opinion of Advocate General Szpunar, point 52.

economic independency, so the method of payment is irrelevant, and also it is very easy to be manipulated by employers trying to avoid responsibility; therefore, reliance on such a criterion should be resisted (Davidov, 2005).

Another problematic point could be the mind of individuals: if the classification issue were resolved, should we take into account individual preferences in terms of classification? Some drivers choose this kind of work because it is flexible, and they would not want to be classified as employees, because they could lose the advantage of flexibility.

3. The third category of workers in the Hungarian labour law system

The classification of workers in the gig economy has recently been the subject of a heated debate, although it is not the first time that labour law regulation is confronted with similar problems. "As litigation over worker misclassification lawsuits continues in various jurisdictions, there have been corresponding calls to create a hybrid category situated between employee and independent contractor status" (Cherry, Aloisi, 2017, p. 646). This intermediate category would provide stability and protection to gig workers.

Although Hungary does not hold the first place in the application of innovative approaches concerning the gig economy[8], a few years ago there emerged the idea of introducing a third category between employees and contractors. The issue of the third category of workers is a special question in Hungary. Nowadays, it is not strictly related to the gig economy but includes the so-called "self-employed persons", whose proportion is high because of *bogus self-employment*[9]. To understand whether a relationship is an employment relationship or an independent relationship under civil law, there is quite a wide judicial practice. "If the nature of the work allows the parties to perform it equally in an employment relationship and a civil law (self-employed) relationship, then the declared will of the parties is going to be the decisive factor in relation to the assessment of the legal nature of the parties' relationship" (Gyulavári, 2014, p. 83)[10]. There is a tradition of differentiating primary and secondary evaluation criteria concerning employment relationships, which was introduced by a joint guidance document published in 2005[11]; this was a non-binding policy document released by the Ministries of Employment and Finance (Gyulavári, 2014). Although it is not in force today, courts still use its criteria to assess work relationships (Kun, 2007).

3.1. The Hungarian labour law system

First of all, it is necessary to summarise briefly the main characteristics and concepts of the Hungarian labour law system in this regard. Hungarian employment regulation is quite a rigorous *binary system*. It has been divided into two categories: subordinate employment, which is governed by different forms of employment contracts; and independent, non-subordinate work, which is governed by two types of civil law contracts (i.e. service contracts and supply contracts) (Gyulavári, Kártyás, 2015). Therefore, there is no third category of

[8] E.g. Hungary has banned Uber's service. See below for further details.

[9] With a view to cheaper working relationships combined with fewer employment rules and lighter social burdens.

[10] See also the decision of the Supreme Court BH 1982/347.

[11] Joint Guidance of the Ministry of Employment and of the Ministry of Finance No. 7001/2005 on the evaluation of legal relationships aimed at employment. The document is no longer applicable as of 1 January 2011 since it was repealed by Act No. 130 of 2010.

workers such as *arbeitnehmerähnliche Personen* in the German labour law (Neuvians, 2012), *workers* in the UK labour law (Davidov, 2005), *parasubordinati* in the Italian labour law (Fontana, 2004), or *TRADE* in the Spanish labour law (Cabeza Pereiro, 2008).

It is also important to note that the notion of *self-employment* is not defined in the Hungarian labour law (Hajdú, 2002). According to Hungarian legislation, it is not a clear legal notion, but in practice self-employed persons are in general independent contractors under a civil law contract. There is a frequent misunderstanding in relation to the meaning of self-employment: "It is very often understood within Hungarian labour law profession as a grey zone between employment contracts and independent contracts, so it is recognised as a synonym of economically dependent work" (Gyulavári, 2014, p. 92). But the notions of economically dependent worker and self-employed person are not the same, and it is necessary to make a distinction.

3.2. The Hungarian labour law reform

Before we take a look at the Hungarian third category of workers, it is important to mention the preparatory work and the atmosphere of the Hungarian labour law reform, which was introduced in 2012. Following the fundamental reform of the entire employment legislation, the "new" Hungarian Labour Code came into effect on 1 July 2012. One of the declared governmental goals of the 2012 reform was flexibilisation of labour law. According to this governmental policy, the cutback of employee protection and trade union rights will automatically lead to a higher employment rate (Gyulavári, Kártyás, 2015)[12].

The principles and concepts developed by EU documents on the future of labour law[13] played some role in the Hungarian labour law reform. These documents could have gained particular importance since they highlighted the general problems and trends in the regulation of employment relationships in the EU. As György Kiss said, "the labour law policy that has emerged on the basis of these EU law documents provided a good opportunity for the renewal of the Hungarian labour law system" (Kiss, 2008, pp. 7-31). The problems and goals outlined in the abovementioned documents helped to define the general direction and the main principles of the Hungarian labour law reform (Gyulavári, Hős, 2012).

One of the main critiques of "re-legislation" was the selective and half-hearted negotiations on the part of the government (Tóth, 2012). Another point was the setting of tight deadlines: for instance, social partners had two weeks to submit their opinion in written form. Nevertheless, there was only a one-day consultation with all union confederations and a separate expert-level consultation with employers' confederations. Social partners and employers also requested the launch of a tripartite social dialogue process, but it did not materialise. After the negotiations, the government published a second draft of the Labour Code, but the unions still protested against it. Eventually, the government submitted the draft to Parliament two weeks later.

3.3. "A person similar to an employee"

The abovementioned environment was the ground for discussion about the third category of workers. Accordingly, the first proposal of the Labour Code suggested

[12] See also Kun (2016, 2017).

[13] The principles of the Lisbon Strategy, the Green Paper on Modernising labour law to meet the challenges of the 21st century (COM(2006)708 final), and the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (COM(2007)359 final).

extending the application of a few basic rules of the Labour Code to other forms of employment, such as civil (commercial) law relationships aimed at employment ("*a person similar to an employee*"), which in principle do not fall under the scope of the Labour Code[14]. These basic rules would have been the following: minimum wage, holidays, notice of termination of employment, severance pay, and liability for damages. In particular, the material scope of the Labour Code is a key concept in this respect, providing a good opportunity to extend the protection of labour law to a wider range of the working population. Furthermore, it was defined that "the Proposal sets out to reduce the avoidance of labour law rules, and the efforts made to seek exemption from labour law, and thereby contributes to the legalisation of employment. At the same time, the extension of social protection does not affect workers whose earning situation does not require or qualify for such special protection"[15].

A person similar to an employee was defined as a person who works under any other contract than an employment contract, and whereby:
1) the individual undertakes to perform any working activity personally, in return for remuneration, and on a regular basis for another person; and
2) beyond performing this contract, this person cannot be expected to do any other working activity in return for remuneration on a regular basis.

With regard to this last condition, it is notable that the proposal excluded the application of these rules if the income from the contract in question exceeded 500% of the national minimum wage applicable at the time of the performance of the contract.

This proposal is similar to other intermediate categories of workers, and the reason for using this extended concept of the dependent status is to be found in the purpose of the particular statutory provisions to which it applies: "The legislature has in essence taken the view that casual workers who would not necessarily fall within 'employee' status should not, for that reason, be denied basic protections which do not depend, for their effective functioning, upon the employment relationship in question being regular or long-term" (Deakin, Morris, 2009, pp. 146-7).

"The ministerial reasoning of the Draft of the Labour Code referred to similar regulations in German law (Arbeitnehmerähnliche Person) and English law (worker concept), yet the Hungarian proposal is far more restricted" (Gyulavári, Kártyás, 2015, p. 81). One of the fundamental issues was the exclusion of persons working for more than one client (Kiss, 2013a).

According to Tamás Gyulavári, one of the fundamental conditions of the effectiveness of this third labour law definition is the precise and also fairly broad definition of the personal scope covered by the category of an employee-like person. Secondly, a set of substantive employment rights should be linked to this group of workers, which may effectively improve their working conditions and employment situation (Gyulavári, 2004).

At the same time, this triple system of workers could have further complicated the evaluation of working relationships and the case law of labour courts (Gyulavári, Kártyás,

[14] Additionally, it is interesting to mention the 'Thesis about the regulatory concept of the new Labour Code'. This document was published in 2006 with the basic ideas and concepts of a future labour code. It already mentioned that "the regulation needs to be provided with new means to ensure social protection to those who have come out of the labour law protection regime, either because they have been forced to or due to their current income level". See also: www.liganet.hu/news/4883/tezis.doc.

[15] See the Hungarian text of the first draft of the Labour Code: http://menedzserpraxis.hu/videok/docs/Mt_torvenyjavaslat_110718_kormany_hu.pdf.

2015). Perulli (2002) did not support this solution for the very reason that the regulation of the third category would lead to legal problems[16].

Moreover, the introduction of an intermediate category would be even more debatable if it were applicable only to workers in the gig economy. "Problems concerning employment status and also misclassification extend much beyond the gig-economy and providing for a specific category of worker in this sector would artificially segment the labour market and employment regulation, since a definition of the gig-economy that overlaps significantly therewith, would be extremely difficult to identify" (De Stefano, 2016, p. 21). According to some points of view (Gyulavári, 2004), the introduction of such an intermediate category just makes courts' work even harder and would not be a viable solution to provide labour protection.

The Hungarian proposal was motivated by *social goals*, but it was also aimed at fighting against undeclared work and bogus self-employment. "The article strived for the improvement of the employment protection of economically dependent workers and the diminishment of the number of legal procedures regarding false self-employment (so-called disguised contracts). In consequence, employers would also have benefited from the proposal, since they could have chosen a third type of working relationship with a lower level of employee protection than provided for under the typical or atypical employment relationships" (Gyulavári, Kártyás, 2015, p. 78).

The draft has been deleted from the final version of the new Labour Code on the proposal of the trade unions and social partners. It is not entirely clear – and the official explanation is not known – why the whole legal institution has been cancelled as a consequence of the first critique. The representatives of trade unions stated that this third category would have subtracted persons from the employee category. But understanding the reason of trade unions' point of view is more difficult. One of the reasons for the refusal may be found in the arrangement of the current Labour Code itself, because trade unions have significantly lost ground compared to their previous position (Kiss, 2013b). So, trade unions agree with the traditional concept of employee (Kiss, 2017).

At the same time, in the employers' opinion, the rights of employees would have increased and "the employers were afraid of the consequences of the collective labour law – with special regard to the extension of the scope of the collective bargaining to these persons" (Kiss, 2013b, p. 276).

On the whole, the intention to extend a certain level of employment rights to economically dependent workers is highly welcomed, however the list of applicable rights is extremely ungenerous and too weak to achieve the ambitious social goals proclaimed. It is worth noting that the draft excluded numerous employment rights already applied by several national legislations in relation to employee-like persons, such as provisions on working time, labour disputes, and collective bargaining (Gyulavári, Kártyás, 2015). To sum up, in spite of the innovative proposal, the rigorous binary system still exists, and there was no debate about the third category.

3.4. Uber in Hungary

In this section, the position of Uber in Hungary will be described. The abovementioned context and the lack of a third category could be the reason why the classification problem has not arisen clearly.

[16] E.g. the classification of the relationship and social risks, such as reduction in subordinate employment.

In several countries all over the world and in Europe too, Uber's activity brings up some well-known questions, such as: whether workers are employees, what kind of protection individuals are entitled to, whether web-based platforms redefine the notion of employer, and so on. If we take a look at Hungary, the abovementioned questions and the related issues have not arisen yet.

Uber started operating in Hungary in the autumn of 2014. Since the beginning, there were disputes over the lawfulness of the service. Taxi drivers protested against Uber, because they thought Uber drivers provided the same driving service as regular taxi drivers, but without complying with applicable legislation. And the aim of this service was to avoid taxation. Uber and the Hungarian government found a compromise on how the business could operate legally, but in the end an act[17] entered into force, hampering Uber's operations in the summer of 2016. The act sets out that the intermediary that provides passenger service has to comply with the rules applying to dispatching services. If the intermediary does not comply with these rules, the Transportation Authority can impose a fine and, if after this fine the intermediary continues providing such a service, it can order the cancellation of electronic data.

So, we can summarise that, in Hungary, the main question about the service was whether drivers pay taxes. It is not difficult to understand that this is not the most significant problem in relation to on-demand jobs through apps. Hungary was therefore unable to move beyond the pure financial issues.

One of the reasons could be the time perspective. In 2014, when Uber started operating in Hungary, the professional debate around the third category of workers was not on the agenda. There was no forum for a creative exchange of views that could end up with some innovative regulations. Additionally, at that time, Hungary and the Hungarian mindset probably were not mature enough to replace the binary labour law system. Obviously, whether the third category is needed is still an unanswered question.

4. Conclusions

As is known, in some European countries such as Hungary, some gig-economy platforms or services have been blocked. But now it is time to face the changing environment and give up the claim that these platforms are operating in a grey area of law (Alois *et al.*, 2017). Based on the analysis provided above, it is clear that, before the rise of the gig economy, there were already intense debates about the third category. Then, why has the classification of workers recently become such a popular issue? As a matter of fact, intermediary platforms have put the whole phenomenon under a new light.

In the present situation, the Hungarian legislator is not willing (or planning) to introduce the abovementioned category. However, it would be a positive suggestion to deal with the regulation of economically dependent workers' position – and not exclusively of gig-economy ones. "Our thinking of the 'employee' and 'employee status' within the traditional labour law should be reviewed and the frameworks should be expanded to make labour law protection an inclusive regulation" (Jakab, 2016, p. 1012).

Maybe, the changing environment as influenced by the gig economy – sooner or later – makes it necessary for the Hungarian scholars and legislator to reopen the debate about

[17] Act No. 41 of 2012 about passenger service.

the third category of workers. According to this premise, the paper suggests considering and rethinking the notion of "person similar to an employee" as soon as possible, because – following the earlier initiative – the debate has come to an end without any substantial discussion.

References

ALOIS A., DE STEFANO V., SILBERMAN S. (2017), *A Manifesto to Reform the Gig Economy*, available: http://www.pagina99.it/2017/05/29/a-manifesto-to-reform-the-gig-economy/.

CABEZA PEREIRO J. (2008), *The Status of Self-Employed Workers in Spain*, "International Labour Review", 147, 1. pp. 91-9.

CHERRY M. A., ALOISI A. (2017), *Dependent Contractors in the Gig Economy: a Comparative Approach*, "American University Law Review", 66, 3.

DAVIDOV G. (2005), *Who Is a Worker?*, "Industrial Law Journal", 34, 1, March, pp. 57-71.

ID. (2017), *The Status of Uber Drivers: A Purposive Approach*, "Spanish Labour Law and Employment Relations Journal", November 29, 2016, Forthcoming; Hebrew University of Jerusalem Legal Research Paper No. 17-7. Available at SSRN: https://ssrn.com/abstract=2877134.

DEAKIN S., MORRIS G. (2009), *Labour Law*, Hart Publishing, Oxford (V ed.).

DE STEFANO V. (2016), *The Rise of the "Just-In-Time Workforce": On-Demand Work, Crowd Work and Labour Protection in the "Gig-Economy"*, International Labour Office – Geneva, Conditions of Work and Employment Series No. 71. 1. Available: http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_443267.pdf.

FONTANA G. (2004), *Dependent Workers and the Self-Employed in the Italian Experience*, in B. Caruso, M. Fuchs (eds.), *Labour Law and Flexibility in Europe – The Cases of Germany and Italy*, Nomos Verlagsgesellschaft, Baden-Baden.

GYULAVÁRI T. (2014), *A Bridge Too Far? The Hungarian Regulation of Economically Dependent Work*, "Hungarian Labour Law E-Journal", 1, pp. 82-103.

GYULAVÁRI T., HŐS N. (2012), *The Road to Flexibility? Lessons from the New Hungarian Labour Code*, "European Labour Law Journal", 3, 4, December, pp. 252-69.

GYULAVÁRI T., KÁRTYÁS G. (2015), *The Hungarian Flexicurity Pathway? New Labour Code after Twenty Years in the Market Economy*, Pázmány Press, Budapest.

HAJDÚ J. (2002), *Social Security Protection of the Self-Employed Persons in Hungary*, "Nagy Károly emlékkönyv", Acta Juridica et Politica Tomus LXI, Fasciculus 1-26, Szeged, pp.175-99.

JAKAB N. (2016), *On the Significance of the Employee Status and of the Personal Scope of Labour Law Regulation*, Zbornik Radova: Pravni Fakultet u Novom Sadu, Serbia, 3, pp. 1001-13.

KISS GY. (2008), *Possibility of Renewal of Hungarian Labor Law in the Light of the Labor Policy of the European Union*, Pécsi Munkajogi Közlemények, 1, pp. 7-31. (or. ed. *A magyar munkajog megújulásának esélye az Európai Unió munkaügyi politikájának tükrében*).

ID. (2013a), *The Problem of Person Having Similar Legal Status as Employee (Worker) and Absence of Regulation of this Legal Status in the Labour Hungarian Code*, "Jogtudományi Közlöny", 1. Available: http://real.mtak.hu/25641/1/work1.pdf (or. ed. *A munkavállalóhoz hasonló jogállású személy problematikája az Európai Unióban és e jogállás szabályozásának hiánya a MunkaTörvénykönyvében*).

ID. (2013b), *The Problem of Persons Having a Similar Legal Status as Employees (Workers), and the Absence of Regulating this Legal Status in the Hungarian labour Code: The "Third Estate" of the Labour Market*, in *Recent Developments in Labour Law. MTA-PTE Research Group of Comparative and European Employment Policy and Labour Law*, Akadémiai Kiadó, Budapest, pp. 259-79.

ID. (2017), *The Concept of 'Employee': The Position in Hungary*, in B. Waas, G. H. Voss (eds.), *Restatement of Labour Law in Europe: Volume I: The Concept of Employee*, Hart Publishing, Oxford, pp. 289-308.

KUN A. (2007), *The Boundaries between Dependent Employment and Independent Contractual Arrangements – The Hungarian Pathway for Demarcation*, in *Political Science and Jurisprudence: Problems of Teaching and Research (After Bordeaux-2)*, Penza State University, Penza IPC PSU, pp. 68-76.

ID. (2016a), *Hungary – the New Labour Code as a Response to the Global Economic Crisis?*, in M. Štefko (ed.), *LABOUR LAW AND SOCIAL SECURITY LAW AT THE CROSSROADS: Focused on International Labour Law Standards and Social Reforms*, Charles University Press, Prague, pp. 124-40.

ID. (2016b), *The New Labour Code* (or. ed. *Az új Munka Törvénykönyve*), in A. Jakab, Gy. Gajduschek (eds.), *A magyar jogrendszer állapota*, MTA Társadalomtudományi Kutatóközpont, Budapest, available: http://jog.tk.mta.hu/uploads/files/A_magyar_jogrendszer_allapota_2016.pdf pp. 385-414.
ID. (2017), *DIADSE National Report – Hungary*, available: http://hsi.uva.nl/en/diadse/reports/reports.html.
NEUVIANS N. (2002), *Die arbeitnehmerähnliche Person*, Duncker & Humblot, Berlin.
PERULLI A. (2002), *Economically Dependent/Quasi-Subordinate (Parasubordinate) Employment: Legal, Social and Economic Aspects*, European Commission, available: http://ec.europa.eu/social/BlobServlet?docId=2510.
PRASSL J. (2015), *Digitalisation, Self-employment and Precarious Work: Recent Developments in the UK*, Keynote Paper: European Labour Law Network – 8th Annual Legal Seminar, Digitalisation and Labour Law, 26-27 November, Hilton, The Hague, the Netherlands. Joint Guidance of the Ministry of Employment and the Ministry of Finance No. 7001/2005 on the evaluation of legal relationships aimed at employment.
TÓTH A. (2012), *The New Hungarian Labour Code – Background, Conflicts, Compromises*, Friedrich Ebert Foundation, Budapest, available: http://www.fesbp.hu/common/pdf/Nachrichten_aus_Ungarn_june_2012.pdf.
WAAS B., LIEBMAN W. B., LYUBARSKY A., KEZUKA K. (2017), *Crowdwork – A Comparative Law Perspective*, Bund Verlag, Frankfurt a.M.

Act XLI of 2012 on passenger transport services.
Opinion of Advocate General Szpunar deliveres on 11 May 2017 (1), Case C-434/15, Asociación Profesional Elite Taxi v Uber System Spain SL.
Published decision of the Supreme Court, BH 1982/347.