

**LAW XLV. OF 1907: JURIDICAL
RELATIONS BETWEEN EMPLOYER AND
FARM-SERVANT, 1907.
EVI XLV. T.-CZ., A GAZDA ES
GAZDASAGI CSELED KOZOTTI
JOGVISZONY SZABALYOZASAROL**

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Royal Hungarian Minister of Agriculture.

Law XLV. of 1907

Juridical relations between employer and
farm-servant.

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szabályozásáról.



Budapest, 1908

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For Leg



*Dr. Count Rind. Teleki,
Budapest.*

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**Regulation of juridical relations between
employer and farm-servant.**

Part I.

General.

§ 1. An outdoor farm-servant shall, for the purposes of this Act, be held to be one who binds himself by contract for the performance of certain continuous personal service upon a farm, for a period of at least one month, for wages. (§ 7.)

Unless the contrary be laid down by the contract, those servants who hire themselves for the concurrent performance of domestic and farm work shall be deemed to be farm-servants under the provisions, and within the meaning, of this Act.

Those servants who hire themselves for farm work in consideration of daily payment or payment in kind: — *id est* day-labourers, jobbers, labourers who receive as payment part of the produce only, — shall not be deemed to be farm-servants within the meaning of this Act.

§ 2. Every farm-servant must possess a service-book. (§ 6., 13., 51., 52., 57., 58.)

The service-book is issued gratis.

The regulations concerning the drawing-up of the service-book shall be formulated by the Minister of Agriculture and the Minister of the Interior conjointly.

§ 3. Minors under the age of twelve years are prohibited from hiring themselves as servants. Any contract made with such is null and void.

Service-books shall not be issued to minors under the age of twelve years.

Minors above twelve years of age may obtain service-books only with the consent of their respective legal guardians. In such event the authorities shall place the book in the hands of such guardian.

If the legal guardian refuse his consent without just cause, § 20 of the Law of 1877 may be invoked.

Any master hiring a servant upon presentation, by the latter, of service-book may presume the consent of the legal guardian. Minors under the age of eighteen years are subject to the disciplinary authority of the master. (§ 46.)

Part II.

Drawing-up of Contract of Service.

§ 4. The conditions of the contract shall be settled by free agreement between the contracting parties, subject to such legal restrictions as are now in force, or as shall hereinafter appear.

Such provisions of the contract as are contrary to law or such as contravene by-laws or orders legally issued, are invalid.

§ 5. A contract may be made either verbally or in writing. If made verbally the master must, upon the request of the servant, hand him a written document embodying the terms of the agreement. (§ 22, 57.)

The counties and county-boroughs may enact by regulation that, in case of a verbal contract, the issue of the written wage-agreement shall be, in all cases, compulsory: and, further, that the master must notify the local authority (or Chief Constable), of the servant's entrance and departure.

Anyone who has hired himself out for service cannot, during the period of such service, obtain a passport before having received his master's consent or a certificate of discharge (§ 40, 42, 43, 53). A filled-up passport can be delivered to the servant only after all relations between him and his master have been determined. This regulation does not apply in the case of such minors as emigrate with their parents. At the request of the servant, upon important grounds, the Minister of the Interior in accord with the Minister for Agriculture, may, after having interrogated the master, order the issue of a passport, with or without the consent of the master.

If the servant have made a contract for a period longer than a year his passport cannot be refused him at the expiration of the first year of service, under the terms of the third paragraph of this section.

§ 6. Upon making the contract the master must take over the service-book of the servant; should this be still in the possession of the former master, the master may accept the certificate of discharge (§ 53.) issued by such. (§ 57.)

§ 7. A contract made with a farm-servant is valid for a period of one year unless otherwise stated in the contract. (§ 40.)

A contract wherein the period of service cannot be expressed in terms of years, months, weeks, or days is forbidden and is void.

A contract in terms of which members of the servant's family must perform some work or render some service without proportionate and separate payment fixed by preliminary agreement: *id est* any gratis work etc.,* is forbidden and is void, as is also such agreement in terms of which members of the servant's family may not undertake work elsewhere without the master's consent during such time as, according to the provisions to their contract, they are not obliged to work with, or for him.

The contract between the master and the members of his servant's family must be made separately: such contracts have no bearing upon the relations between the master and his servant.

§ 9. Such preliminary agreement according to which the servant binds himself to sell his share, wholly or in part, to his master, to the members of his master's family or to any other person what-

* Such work has different popular names, enumerated in this law.

soever, is forbidden and is void; as is also such agreement as gives the master, any member of his family, or any other person, the power to redeem such share in exchange for liquor. (§ 57.)

§ 10. Such agreement as would bind the servant to buy for himself or his family anything whatsoever from his master or from any person or firm designated by his master, or, contrariwise, *not* to buy from such persons or firms, is forbidden and void. (§ 57.)

§ 11. The contract is not invalidated by reason of the return of any earnest-money given at the time of the making of the contract.

The master may take into account any such advance in computing the wages due to his servant unless otherwise agreed upon.

§ 12. In so far as this law, or the regulations based upon it, issued by the competent legal authorities as to the rights and duties of the contracting parties, does or do not provide to the contrary, the provisions of the Civil Law must be held to apply.

In the case of it being found impossible to agree upon the construction of any point contained in the contract, the custom in vogue in the place itself or in the surrounding district shall be the deciding factor.

Part III.

Fulfilment of Contract.

§ 13. After making the contract the servant must enter upon his duties at the time fixed and must hand over his service-book to his master, unless