



Final Statement
of the Hungarian National Contact Point (HNCP) in the case of
Mr. Imre Horgosi v. Visteon Hungary Ltd.

Dr. Csaba Kiss, environmental lawyer, submitted a specific instance to the Hungarian National Contact Point on April 20 2006, on behalf of his client, Mr. Imre Horgosi, a resident of Székesfehérvár, who was an employee of Visteon Hungary Ltd. previously.

‘(...) Employee/workers’ rights do not apply at the Ltd., be it occupational safety, environmental protection (concerning hazardous substances) or labour law regulations.’ – stated Mr. Lawyer in the letter written to the HNCP. As claimed by Mr. Lawyer, Visteon Hungary Ltd. has violated article IV.4.b. of the OECD Guidelines for Multinational Enterprises which stated that companies ‘shall take appropriate steps to provide protection against occupational diseases and protect safety at work.’

According to his description, his customer carried out solvent washing and cleaning of defective parts related to compressor production technology, but not officially as part of it, during the pilot operation of the production line in March 2002. As the protective gloves used for the first time did not resist the effect of the organic solvent, the worker’s hands were exposed to mild skin irritation which could be treated with suitable ointment. Although he received specialised care, he was not entitled to sick pension for the injury suffered.

HNCP asked both parties to prove their allegations in order to understand completely the case. Based on the submitted documentation, HNCP set out that the allegation stating the company ‘does not have employee/workers’ rights, be it be it occupational safety, environmental protection (concerning hazardous substances) or labour law regulations’ cannot be upheld.

However, it also noted that although the middle management were taking into account some of the legal requirements, they failed to exercise due diligence and care complying utterly with the applicable regulations and failed to eliminate risks in order to prevent dangerous situations

during the pilot operation of the production line arising from working outside the formal technological process. Nevertheless, after the first report deficiencies were rectified within a short period of time (two weeks) but successive inspections and investigations of the Hungarian authorities, initiated by Mr. Imre Horgosi, did not reveal any signs of illegal operation.

Selecting protective gloves against chemicals requires extensive knowledge and experience. During the pilot period of the production line, middle management of the company acted on the basis of seemingly incomplete information available. Safety Data Sheet for the organic solvent used (Solutin C6) did not specify the type of applicable protective gloves. It was therefore possible to test several protective gloves used for organic materials known to them, noting that they all were damaged during use – despite the fact that the second protective gloves were classified as highly protective and the third, which directly caused the accident, should have withstood the corrosive effect of the solvent for 30 minutes.

Purpose of the managers was not to carry out human experimentations, but to accomplish the task with a protective equipment that they considered appropriate and used successfully elsewhere. On the basis of evidence, intentional threats from managers cannot be detected.

Responsibility of managers arose in the sense that after the detection of the first anomaly and the indications given by the worker, working outside the formal technological process should have been stopped and the appropriate type of protective equipment (applicable protective gloves) should have been sought immediately. According to the rapid test from general recommendations on the *Selection of protective gloves against chemicals* known and harmonized by the EU and competent domestic organizations, the chemical resistance of protective equipment could have been checked without human participation (i.e. by placing a hand in the glove) or by a consultation with the glove manufacturer.

Within the period of work performed, the worker did not suffer any health damage which would have resulted incapacity for work or would have justified the use of sick pension. After the accident was detected, the employee was not subjected to any similar work during his additional employment time at the company.

The worker was injured without any fault on his part. He did not file or enforce a claim although the employer drew his attention to this opportunity. In accordance with the Hungarian

legislation in force, the time limitation for employment-related legal claims is 3 years, which means that the case is regarded time-barred.

Considering the facts, HNCP declares the case closed drawing attention to the need to assess the expected risks more carefully when using technologies and excipients that are not known thoroughly to the management of production plants. Taking into account the provisions of Joint Decree 25/2000 (IX.30) EüM-SzCsM, factors endangering and damaging the environment and human health must be assessed rigorously whilst measures should be taken upon the outcomes of these assessments. Local management not only hold responsibility under the current rules and regulations in force, but they also have to comply with non-binding and non-statutory moral and ethical requirements, such as *Chapter IV. Human Rights* and *V. Employment and Industrial Relations* of the OECD Guidelines for Multinational Enterprises (see also recital 27., 34., 35. and 40. of the Interpretive Notes) or as set forth in the Ethics and Integrity Policy of the parent company (Visteon Corporation – USA).

The Hungarian National Contact Point highly recommends for Visteon Hungary Ltd. to process the lessons learnt from this case and based on its experience to develop appropriate occupational safety regulations for the technology used in the plant, in particular the selection, application and maintenance of personal protective equipment against hazardous chemicals. Furthermore, plant management should take special care on employee education about hazardous substances in order to eliminate the risks to human life and health.

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