

Statement by the Hungarian NCP

**Hungarian NCP Statement on Mr. Imre Horgosi
vs. Visteon Hungary Ltd case**

20 February 2007

On April 20, 2006 dr. Csaba Kiss lawyer, environmental attorney submitted a request to the OECD HNCP on behalf of his client, Mr. Imre Horgosi who was a former worker of Visteon Hungary Ltd.

In the letter sent to the HNCP the lawyer stated that ... “in the limited company the employees’ rights, neither health and safety, environmental regulations (related to hazardous materials) nor labour rules do not prevail”. According to the lawyer’s views the Visteon Hungary Ltd Company infringed Article 4. b) of Chapter IV (Employment and Industrial Relations) of the Guidelines, i.e. “the enterprise should take adequate steps to ensure occupational health and safety in their operations.”

In accordance with his request in March 2002 his client had to carry out cleaning and washing faulty parts related to compressor manufacturing technology using organic solvent during testing the production line but this operation was not a part of the official technological procedure. Since the protective gloves which were applied in the first phase did not resist the effect of the organic solvent the workers’ hands suffered mild skin irritation which was treated by adequate crème. The worker was treated by medical specialist, but injury did not entitle to sick pay.

The HNCP asked two sides to prove their statements and to cooperate in order to learn the entire case. On the basis of submitted documents the HNCP found that statement of the lawyer is not true, namely “in the limited company the employees’ rights, neither health and safety, environmental regulations (related to hazardous materials) nor labour rules do not prevail”.

However the HNCP stated that though the middle level company leaders took into consideration one part of regulations during testing the production line but they did not apply them by the most careful and prudent way as they could do in order to keep all of the regulations in force and to cut and to screen the risks stemming from the unofficial operation beyond the technological procedure and to prevent development of dangerous situation. But after the first signalisation of deficiency the company terminated them within a short

time (two weeks) and the official examinations and supervisions carried out by the Hungarian organs in succession could not find any irregularity in operation.

Selection of the chemical protective gloves needs reasonable experience and special knowledge. The middle level company leaders worked on the basis of insufficient knowledge and information what they had at that time. Material Safety Data Sheet of the organic solvent (Solutin C6) did not contain the type of gloves has to be applied. Therefore during the operation they applied three pairs of gloves in succession which were known by them and the gloves were previously used against organic solvent detecting damaging despite that the second pair of gloves was qualified as improved protective and the third pair of gloves should have resisted to caustic effect of solvent throughout 30 minutes at least.

The target of leaders on the spot was not to carry out “experiments on human beings” but the fulfilment of duty by use of protective equipments that they qualified as adequate and they applied in other operations successfully. On the basis of the proofs the examination could not reveal wilful endangering.

Responsibility of leaders comes up in respect with the fact that after the cognition of first gloves’ damages and signalisation given by the workers they did not stop the unofficial operation beyond the technological procedure and they did not look for the adequate type of protective equipment, i.e. they should have used the appropriate mean. They could have checked the permeability of material of gloves without direct human participation (it was not necessary to put hands of human being into the gloves) by so-called quick test in harmony with the Guide for selection of chemical protective gloves which is a general recommendation known in EU and harmonised by competent Hungarian authorities in Hungary and after a consultation with the representative of glove manufacturer firm.

During the operational time the worker did not suffer such an injury which could justify drop-out of working time and pay sick. Worker was not enforced to do similar activity during all time spent in company.

Worker suffered mild injury which was through no fault of his (own). Worker did not claim damages from the company though the company drew his attention to this. According to the Hungarian rules in force labour claims become outdated over three year period, i.e. the case had lapsed.

Considering all facts and acts HNCP declares the case legally closed and draws all sides’ attention to the needs that the probable risks in the case of applying technologies or aid material not known in full circle and deeply and all factors having harmful effect on environment and health have to be taken into consideration in the most prudent way and the interested sides have to take measures with respect to them and with special regard to the content of 25/2000. (IX.30.) EüM-SZCsM joint ministerial decree. The leaders on the spot

are not only responsible for keeping the rules but they have to meet the ethical obligations which are not binding and which are not written in laws, *e.g.* which are in the Chapter IV and V (and the paragraphs 27, 34, 35 and 40 of the Commentary) of the Guidelines for Multinational Enterprises or which were formulated in Ethics and Integrity Policy of Visteon mother company (US).

HNCP proposes that Visteon Hungary Ltd should work up the consequences of the case and on the basis of experiences obtained should form safety regulation applied within the company workshops with special regard to the selection, application and maintenance of protective equipments used against hazardous chemical materials. Company leaders should devote great care to teaching knowledge related to hazardous materials in order to eliminate all risks endangering life and health.

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