

FORMULATION OF THE SCIENTIFIC PROBLEM

The Hungarian Army went (and goes) through continuous transformation, reforms from the change of regime up to the present (1989-2003). The transformation brought personal, structural and technical changes as well. The changes were realized through disagreements, disputes and conflicts. On the personal aspects, relating to the staff of the Ministry of Defence and the Hungarian Army, the different employment legal relationships, service relations and public service and civil servant legal relationship, and the overall revealing, summing up and analysis of problems, conflicts on the employment relationship and in connection with that the „employees” and their representative organisations and the management of the National Defence has not been accomplished.

Using alternative methods of solving collective labour disputes and the labour law disputes- particularly reconciliation, mediation and arbitration- for solving the labour and service conflicts of the Hungarian Army –is almost unknown. The relations and negotiations are still not cloudless with the representative organisations and the trade unions of the professional staff. In spite of the fact that Act XXII of 1992 on the Labour Code mentions several times the out of court possibility of solving labour disputes and their handling (reconciliation, mediation, arbitration) and their order, these parts were not built or fit in the „service” acts nor in unwritten law.

For the „western level” - that meets the expectations of the European Union - transformation of the culture of the labour relations and the maintenance of the peace of work, the transformation of the preference for the court procedures, of the solving of conflicts by court procedures and the bureaucratic scale of values that is typical of the Hungarian attitude and legal practice, which is custom and tradition bound- is indispensably needed.

Regarding the changes of the legal setting and the publishing of the Act on the mediation activity that is important from the point of view of my topic, it must be measured whether the present conflict solving practices of the Hungarian Army- that are mainly based on the court procedures- could be changed, whether these changes are possible and how they can be carried out.

Proposals must be presented for the handling of labour conflicts arising from the service relation and the different employment legal relationships of the Hungarian Army, and proposals on the prevention of the court procedures, and on how to avoid them.

MY RESEARCH OBJECTIVES

My research objectives were the following:

1. Analysis of the system of concepts of labour conflicts, labour relations and interest representation. Distinguish and demonstrate the similarities and differences between dispute and conflict and the workplace and labour disputes and conflicts.
2. Summing up the transformation of the interest reconciliation, the institutions that can be used and run by the Hungarian Army, the legal changes in connection with conflict resolution in the period of 1989-2003.
3. To reveal and present the alternative possibilities of handling labour conflicts, the new solving methods that can be applied in the Hungarian Army, the possible developmental areas.
4. Formulation of proposals that are formulated on the basis of the conclusions of each chapter, that can be used by the Hungarian Army and the legislation.

MY RESEARCH METHODS

Each chapter of the dissertation has different research methods. From the general methods, with the help of the historical and the fact revealing methods I would like to survey the reasons of labour conflicts, the system, institutions, mechanisms elaborated for the handling of them in the Hungarian Army in the period between 1989 and 2003. I study and treat the Hungarian technical literature and relevant regulations of the field of research which I compare from the point of view of conflict resolution. I would like to examine the labour disputes of the Hungarian Army and the characteristics of the means of putting pressure by the interest representative organisations with the collection of data, analysis of the content and comparison and analysis of law. With a sense of criticism I would like to find a balance between the descriptive static parts and the more dynamic analysis. As a matter of course I will also use the results and practical experiences of the ten year of my activity conducted in the field of mediation/arbitration.

EXAMINATIONS CONDUCTED

My dissertation is divided into the introduction and five chapters.

In the introduction I give information on the essence of the scientific problem, on my research objectives, on the subject of my research, on the timeliness of my topic, on my working hypothesis, and the research methods applied.

The first chapter contains the definition and comparison of the most important concepts.

The second chapter is the historical descriptive part in which I examine the establishment, development and the legal changes of the labour relations, the interest representation and the interest reconciliation for in the Hungarian Army in the period between 1989-2003.

In the third chapter I give information on the effective legal, and alternative possibilities and methods for solving the labour conflicts.

In the fourth chapter on the basis of the results of the research I demonstrate the developmental areas of the handling of labour conflicts and the conditions and duties needed for their realization. I formulate proposals that could promote the application of the alternative solving possibilities of labour disputes in the Hungarian Army, and the dissemination of the drafted labour culture and its feasibility.

The fifth chapter contains the summarized conclusions, proposals and the new scientific results.

SUMMARIZED CONCLUSIONS

In the first chapter of my dissertation, in the framework of the formulation of definitions, during the examination of the technical literature I faced the fact that the concepts of disputes and conflicts show differences following the differences of the characteristics of the different scientific branches. In sociology and psychology the workplace dispute is a more common definition than the labour dispute that is stated by law, the human resources management and the effective law, the LC.

The democratic transformation after 1989, the change of regime, in the middle of social, legal changes, with the professional staff standing up for their rights and interests, with the establishment of the interest representation coming from below, the obtaining of the trade union rights brought the development of the labour relations and interest reconciliation in the Hungarian Army, its functioning regulated by law.

Following my observation the process started in 1989 did not bring totally cloudless labour relations in the Hungarian Army by 2003. The interest representation, the interest reconciliation, the professional and contractual staff, the Ministry of Defence, the management of the Hungarian Army have to face further disputes and/or conflicts. On the one hand this is a natural fact. The appearance of disputes/conflicts can not be eliminated as I emphasized in the chapters of the dissertation. On the other hand as I tried to demonstrate in the developmental proposals – there are countless possibilities for the prevention of the conflicts (preventive mediation) and for the handling of conflicts.

In the dissertation I did my best to show that in the period between 1989-2003 a lot of disputes and conflicts could have been prevented in the Hungarian Army and the alternative conflict resolution and solving methods were at disposal, but the parties-

often mutually- did not apply these methods. Among the out of court solutions the use of the reconciliation/mediation/arbitration should be recommended, as it could reduce the number and costs of the court procedures, the loss of prestige and the mistrust against the management of the Ministry of Defence and the Hungarian Army. As a positive effect, the application of the different types of alternative conflict resolution could inspire confidence, the acceptance of the management, the motivation of the staff, namely the prestige of the organisation. The solutions of the out of court procedures could show that the staff is not only made of soldiers that carry out commands, but human beings and citizens, with whom or with their interest representative organisations cultured disputes and agreements could be concluded, and mutually acceptable agreements can be reached. They are not enemies, but uniformed citizens that could express their interests and could stand up for their interests, they would like to negotiate and reach a consensus with the aim of improving their living and service conditions.

In the fourth part of the dissertation I tried to collect the developmental proposals that could make a progress in the handling of the conflicts that appear in the organisation, in the improvement of the interest reconciliation, listing the possibilities that are hidden in the legal regulation and in the changing of attitude. If there is real interest in the reducing of the burden of the legal, personal and etc. organs of the labour courts, the Ministry of Defence and the Hungarian Army, in the changing of the long administration based on the court procedures, in the increasing of confidence and legal security, in the reducing of the costs, the proposed changes and developments will become feasible.

PROPOSALS

1. The theoretical, definition formulating, summarizing and historical parts are recommended to experts interested in the topic, researchers, teachers or students of legal, human resources management, labour relations. These parts are recommended to practising experts, to the persons exercising employer's sphere of authority, and to the management and colleagues working in the field of human resources management, law, interest reconciliation, mediation/arbitration.
2. The part dealing with conflict resolution is recommended to experts that are taking part in interest reconciliation, participate in negotiations on the employer or employee side, and potentially affected by disputes/conflicts or could become the users of the alternative conflict resolution or the demanders of mediation/arbitration.
3. The developmental proposals for the resolution of labour conflicts based on the research -intending their feasibility- are recommended to the management of the Ministry of Defence, the Hungarian Army, to the participants of the further

legislation, to the management of the human resources management, personnel and trade union leaders and to leaders of interest representative organisations.

NEW SCIENTIFIC RESULTS

1. I was the first to examine in a new manner the concepts of dispute and conflict that are used by several scientific branches- for example with the use of the generally applied method of sociology- with concrete dimensions (content, objective, reasons, intensity, form of appearance, course, time period, types) With the help of the eight dimensions I cleared up and proved the differences in terminology between disputes and conflicts. I proved that with the help of the threefold grouping preferred by me (value-scale of values, law, interest) the typifying of disputes/conflicts by their reason of appearance is more simple and effective, that helps the participants of the conflict resolution to elaborate the solutions more rapidly.

2. Harmonising the concepts of technical literature and the wording of the Hungarian law on conflict resolution- with the consolidation of different dimensions- I elaborated and put down in a table format the main characteristics of the handling of labour disputes/conflicts, I demonstrated their similarities and differences, that facilitate the more simple and consolidated interpretation in education and in the training of experts, its application and could help the faster selection of the appropriate method of conflict resolution. This research result could be directly translated into subject matter of instruction or training.

3. I was the first to treat and prepare – on the period after the change of regime 1989-2003- an overall dissertation on the labour relations and on the handling of labour conflicts of the Hungarian Army.

4. I elaborated and formulated the proposals for the Hungarian Army, containing quality and guarantee elements, that could promote the more widespread application of the alternative solving possibilities of labour conflicts in the employment relations applied in the organisation (Mt., Kjt., Ktv., Hjt.) and the launching and feasibility of the dissemination of the drafted labour culture. The proposals contain connections that are to be considered and applied by the applicants of the legislation and the human resources management.

PRACTICAL APPLICABILITY OF THE RESEARCH RESULTS

In the chapters of the dissertation I summarized – with the aim of redressing the problems occurring for long years – the developmental alternatives. The experiences show, that in the listed areas the alternative conflict resolution that includes a third party, solving methods could be used more effectively if this special labour culture would become more accepted and widespread concerning its application. Knowing

the national customs and the mechanisms and attitude that are deep-rooted in the Army, perhaps the legal regulation could be the decisive step to the more widespread use of alternative conflict resolution methods. The other listed proposals could be a further assistance in the resolution of conflicts.

THE LIST OF PUBLICATIONS IN THE SUBJECT MATTER OF THE DISSERTATION

1. The social prestige of professional soldiers, Review of the Hungarian Army, 3/1986.
2. Subordinate unit picture '87, taken as a function of the relation between man and technology, Review of the Hungarian Army 9/1987.
3. Conference of delegates- with question marks, ZMKA, students' communication 28/1998.
4. The changes in the scale of values of the modern armies, New Review of the Hungarian Army 9/1991.
5. The changes in the scale of values of the modern armies, ZMKA, note of philosophy, 1993.
6. The social conditions of professional soldiers, Scientific Communications of the Frontier Guards, 1993.
7. The health service of soldiers of the line, Hungarian Soldier, Budapest, 43/1994.
8. The human resources management and the human services, the lectures of the Conference of the BHKK and the Hans Siedel Foundation, Budapest, 1995.
9. The principles and institutions of human care of the soldiers of the line in the Hungarian Army, knowledge building material of drill leaders, Budapest, 1995.
10. Hungarian Mediation and Arbitration Service (introduction), labour market, Volume III. Item 5, 1996.
11. The social and mental hygienic characteristics of the soldiers of the line, Human Review, Hungarian Army, Budapest, 1-2./1996.
12. On the professional activity of the Hungarian Mediation and Arbitration Service (MKDSZ), Phare- Secretariat of the Hungarian Reconciliation Council, Budapest, 1997., from the book: Erzsébet Berki: The experiences of the interest reconciliation and its actual questions
13. The new method of solving collective labour disputes, Human Review, Hungarian Army, 2-3./1997.
14. Report on the professional activity of the Hungarian Mediation and Arbitration Service, newsletter of the Works Council, 1998. Volume VI., item 2
15. Transformed reconciliation of interests, Human Review, Hungarian Army, 2/1999.
16. Opinion, the mediator is only called upon in case of a strike, Metro, Budapest, 31.08.1999.

17. Conflict resolution at the workplace with the assistance of the Hungarian Mediation and Arbitration Service, newsletter of the Works Council, 2000. Volume VIII. Item 5.
18. Collective labour disputes, case studies. Interest representation at the highest grade, RAABE Consulting and publisher Ltd., 2001.
19. Mediations in collective labour disputes (case studies of the activities of the Hungarian Mediation and Arbitration Service), newsletter of the Works Council, 2003. Volume XI, item 2.
20. Report on the professional activity of the Hungarian Mediation and Arbitration Service, newsletter of the Works Council, 2004. Volume XII, Item 8.
21. Resolution of labour conflicts, Publication of the Seventh Conference of Pro Scientia gold medalists, Gödöllő-2004., Society of Pro Scientia gold medalists, Budapest, 2004.
22. Discrimination at the workplace. Lectures of the conference on "Equal opportunities at the labour market", Government Office of Equal Opportunities, Budapest, 2004.
23. Labour disputes, conflicts and their solving in the activity of the Hungarian Mediation and Arbitration Service, In: dr. György Takács: The new Labour Code-its effect and its translation into practice, Fórum Média Publisher Ltd., Budapest, 2004.
24. Way out from the labyrinth of disputes Part I, newsletter of the Works Council, 2005. Volume XIII, item 1.
25. Way out from the labyrinth of disputes Part II, newsletter of the Works Council, 2005. Volume XIII, item 2.
26. Human resources planning and labour conflicts, Human Review, Hungarian Army, Budapest, 2005., Volume XXI, item 2.
27. Human resources development and labour conflicts, Human Review, Hungarian Army, Budapest, 2005., Volume XXI, item 3.
28. The handling of labour conflicts, Human resources management Review, Budapest, 2005. Volume XVI, item 5.
29. Questions and answers (comment), Editor: László Fári, Productivity, Employment, Poverty: National ILO Council, Budapest, 2006.
30. Mediators in the collective labour disputes, Human Review, Hungarian Army, Budapest, 2006. Volume XXII, item 2

RESEARCH PUBLICATIONS

1. The value preferences of the professional soldiers, ZMKA, department of sociology, 1991.
2. Public-opinion research, ZMKA, Department of Sociology, 1992.

3. The social conditions of professional soldiers, National Commandership of the Frontier Guards, 1993.
4. The living and working conditions of the professional staff, National Commandership of the Frontier Guards, 1994.
5. Civilian clothes '95, Hungarian Army Commandership, 1995.
6. The social and mental hygienic characteristics of the soldiers of the line, Hungarian Army Commandership, 1995.

PRIZE-WINNING PUBLICATIONS SUBMITTED TO COMPETITIONS

1. The social prestige of professional soldiers, **Competition of the Review of the Hungarian Army, second place, 1985.**
2. The disciplinal situation of the Hungarian Royal Army 1914-1918, National Scientific Students Circle Council (OTDK), **ZMKA student competition, recognition and certificate, 1988.**
3. The disciplinal situation of the 39th infantry division of the Hungarian soldiers, 1914-1918, **OTDK competition, Distinguished 1st place, extra prize of the Ministry of the Interior, 1990. (JATE).**
4. The scale of values of the professional soldiers, **OTDK competition, Research Institute of Sociology of the Hungarian Academy of Sciences extra prize, 1991 (BME)**

PROFESSIONAL AND SCIENTIFIC BIOGRAPHY

1. Personal data:

Name: Raimund Kántor

Rank: lieutenant-colonel

Date of Birth: Budapest, 31 July 1956

Mother's name: Piroska Grosz

Workplace: Ministry of Social Affairs and Labour, Hungarian Mediation and Arbitration Service

Qualifications:

- 1978 Máté Zalka Technical College, anti-aircraft missile, missile guider and controller equipment operator and telecommunications engineer
- 1990 Miklós Zrínyi Military Academy, tactical and operational, national anti-aircraft all-arms specialisation
- 1994 Loránd Eötvös University of Sciences, Institute of Sociology and further education, sociology specialisation, qualified sociologist

Technical course qualifications and certificates:

- 1998. National Association of Hungarian journalists (MÚOSZ), journalistic course of ten month
- 1997. USA-FMCS course on mediation and arbitration and degree of mediator and arbitrator of the ILO (Italy, Torino)
- 1997. ACAS course on mediation (Budapest)
- 1997. Ministry of Employment and Labour of the Belgian Federal Government, negotiation technics and mediation (Belgium, Brussels)
- 1997. course of mediation organised by the British ACAS (England, Portsmouth)
- 1999. USA FMCS preventive mediation course (Balatonboglár)
- 1999. Ministry of Employment and Labour of the Belgian Federal Government degree of negotiation technics and mediation (Belgium, Brussels)
- 2002. Administrative special examination (public service administration specialisation)

Languages:

- Russian, "C" type advanced-level language examination
- English, "C" type medium state degree, enlarged with military professional subject matter of instruction

Membership of society and association:

- 1997- National Association of Labour judges, founder and supporting member
- 2000-National Mediation Association, founder member

Scientific activity:

- 1987-89. ZMKA Social Science Faculty, member of the Scientific Council of Students
- 1987-90. ZMKA member, secretary, later president of the Editing Commission of the Students' communications journal
- 1988-90. ZMKA member of the Scientific Council of Students
- 1995-96 Hungarian Army, Editor in chief of the Human Review, which is a technical journal of human resources management

Educational Activity:

- 1990-93. Miklós Zrínyi Military Academy, department of sociology, teaching sociology
- 1993 Instructor, lecturer activity at several universities and colleges, in the spheres of trade unions, works council and small and medium sized enterprises
- 2002 Ministry of Interior, nomination to examiner and instructor of administrative special examination
- 2006 Hungarian Administrative Institute "performance evaluation and classification in the management of the administrative bodies", further education programme, nomination to instructor

Number of Scientific communications published in printing: 40

Number of Conference lectures: 10

Prizes and recognitions:

- 1985 - Competition of the Review of the Hungarian Army, 2nd place
- 1990 - ZMKA Honourable mention of the Scientific Council of Students
- 1991 - XX. OTDK honourable mention for the organization
- 1991 - XX. OTDK Human Section, distinguished 1st place and the extra prize of the Ministry of the Interior, (JATE)
- 1991 - XX. OTDK Social Science Faculty Section, the extra prize of the Institute of Sociology of the Hungarian Academy of Sciences (BME)
- 1991 - The highest recognition of the National Scientific Students Circle Council,

Pro Scientia gold medal