



NEWS REPORT

Date: 9 July 2009
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Title: Amendment of the Hungarian Equal Treatment Act
Country: Hungary

Context

Issue at stake: Equal Treatment Authority's decisions may be altered or annulled by Minister exercising supervisory powers over the Authority

Ground of discrimination: all grounds

Source: legislation

Field: all fields

Legislative provisions: Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (ETA); Act LVI of 2009 amending a series of laws (Articles 294-295)

Content

Law: At the end of June, the Parliament adopted Act LVI of 2009 amending numerous laws, including the ETA. The bill came into force on 1 July 2009, but its amendments concerning the ETA will only take effect as of 1 October 2009. In terms of the amendment of ETA, interest groups of employers and employees also fall under the personal scope of the ETA, and shall therefore comply with the principle of equal treatment. The interest groups of employers and employees are independent legal entities organized for the representation of their interests, which before the amendment did not fall under the law's scope.

The amendment also makes it clear that not only the external relations of public bodies and interest groups of employers and employees, but also the exercise of members' rights and participatory rights in such organisations fall under the scope of the law. The amendment enables parties concerned

by a decision of the Equal Treatment Authority to ask for an equitable modification of the decision if the implementation of the decision would be disproportionately disadvantageous for them due to a change in their situation that took place after the decision was taken.

The most important amendment seems to be the following. Before the amendment, the ETA set out that decisions of the Equal Treatment Authority concerning the violation of the principle of equal treatment shall not be altered or annulled by the minister exercising supervisory powers over the Authority (currently the Minister of Social and Labour Affairs). In terms of the amendment, this restriction of the minister's supervisory powers only prevails while a case is pending before the Authority. This basically means that within his/her supervisory powers, the Minister of Social and Labour Affairs may alter or annul the Authority's final decisions.

Internet link source and additional information:

http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0900056.TV