



## NEWS REPORT

<b>Date:</b>	4 January 2011
<b>Expert:</b>	András Kádár
<b>Title:</b>	Ethnic discrimination for refusing to employ a Roma applicant as security guard
<b>Country:</b>	Hungary
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Failure to put forth evidence by respondent leads to establishing violation in employment discrimination case
<b>Ground of discrimination:</b>	Race/ ethnic origin
<b>Source:</b>	National equality body, EBH 281/2010
<b>Field:</b>	Employment
<b>Legislative provisions:</b>	Articles 8 and 19 of the Equal Treatment Act

### **Content**

**Case:** The complainant applied for the post of security guard at a supermarket. His application was rejected by the respondent. The complainant inquired on several occasions and in the course of this he noticed that other applicants had been employed for the same position. He was convinced that the security company operating in the supermarket rejected his application because of his Roma origin. He proved during the procedure that he has the necessary qualifications and also the required professional practice for the job.

The respondent failed to put forth evidence refuting that there was a causal link between the complainant's ethnic origin and the rejection. They stated that the applicants were selected by the most experienced employee of the company, and that only the most suitable candidates were employed. They also claimed that persons of Roma origin were hired. Beyond this they however failed to put forth evidence substantiating that the persons actually employed were better qualified for the job than the complainant.



**Decision:** The Authority established that while the complainant duly fulfilled the obligation regarding burden of proof (he substantiated his ethnic affiliation and the disadvantage he had suffered, and additionally proved his suitability for the position in question), the respondent remained passive and did not put forth sufficient evidence to refute the existence of the causal link between the protected ground and the disadvantage suffered. Therefore, the Authority established the violation of the requirement of equal treatment, ordered the publication of its decision on its website, and imposed a fine of HUF 300,000 (EUR 5,350) on the company.

**Internet link source and additional information:**

<http://www.egyenlobanasmod.hu/zanza/281-2010.pdf>