



## NEWS REPORT

<b>Date:</b>	6 January 2011
<b>Expert:</b>	András Kádár
<b>Title:</b>	Equal Treatment Authority established discrimination by public utility service company for not making client service accessible
<b>Country:</b>	Hungary
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Failure of employer to act against harassment by colleagues establishes responsibility for harassment
<b>Ground of discrimination:</b>	Sexual orientation
<b>Source:</b>	National equality body, EBH 49/2010
<b>Field:</b>	Employment
<b>Legislative provisions:</b>	Article 10 of the Equal Treatment Act

### Content

**Case:** The complainant submitted that he revealed to his immediate superior his sexual orientation in the course of a friendly conversation outside the workplace. The superior shared this information with the complainant's co-workers, and repeatedly made scornful remarks and told humiliating jokes behind his back. The complainant talked to his employer about the situation and said that he was considering the termination of his employment. The employer promised to take steps to end the humiliating situation, but failed to do so. Later on the employment was terminated with a mutual agreement. The complainant's former colleagues who were heard as witnesses confirmed that he had been the subject of scornful joking in the workplace. The company claimed that it could not be held responsible for the behaviour of one of its employers (the complainant's direct superior).

**Decision:** The Equal Treatment Authority rejected the argumentation brought forward by the company, and claimed that for harassment to be established, no intention on the part of the harasser is required. By failing to take action against the harassment revealed to the employer, the



company violated the requirement of equal treatment. In the light of these findings, the Authority established the violation of the requirement of equal treatment, ordered the publication of its decision on its website for 6 months, and imposed a fine of HUF 2,000,000 (EUR 7,150) on the company.

**Internet link source and additional information:**

<http://www.egyenlobanasmod.hu/zanza/49-2010.pdf>