

NEWS REPORT

Date: 24 June 2009
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Title: Equal Treatment Authority establishes discrimination on the grounds of age
Country: Hungary

Context

Issue at stake: Violation of the principle of equal pay for equal work
Ground of discrimination: age
Source: national equality body (Equal Treatment Authority, case no. 234/2009)
Field: employment
Legislative provisions: Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities

Content

Case: The applicant, who was working as an accountant in a forestry company, alleged that his former employer had violated the principle of equal pay for equal work. He claimed that after his retirement in 2002 in the framework of an early retirement scheme, the company continued to employ him on an indefinite-term contract, but he received a lower salary than other accountants employed by the same company, because as opposed to the other accountants, his salary was not reviewed annually, so after a certain time his salary was significantly less than that of the other accountants. Shortly after he made a complaint about the issue in December 2007, he was dismissed as of 31 March 2008. The respondent argued that the applicant in fact did not perform some tasks that were listed in his job description, so his work could not be considered as equal to the other accountants' work, consequently the difference between the salary of the applicant and the other accountants was justified.

Decision of the court: On the basis of testimonies and documents submitted by the respondent, the Equal Treatment Authority found that the applicant's tasks had not changed after his retirement. The Authority established that before his retirement, the applicant's work must have been considered as equal to that of the other accountants, as at this time the differences between the salaries were insignificant. Although the applicant continued to perform the same duties after he became a pensioner, a gap in the salaries evolved due to the fact that he was not granted the annual increase his colleagues were. Therefore, the Equal Treatment Authority established the violation of the principle of equal treatment, ordered the



respondent to refrain from the violation in the future, ordered the publication of its decision and imposed a fine of 500.000 HUF (approx. 1800 EUR) on the company.

Internet link source and additional information:

<http://www.egyenlobanasmod.hu/zanza/234-2009.pdf> (in Hungarian)