



European network of legal experts in gender equality and non-discrimination

FLASH REPORT

Country:	Hungary
Title:	Choosing changing room in line with gender identity
Date:	1 July 2019
Expert:	Lídia Balogh
Context	
Issue at stake:	Whether a trans woman should be provided with access to women's changing room at her workplace
Grounds of discrimination:	Transgender
Field of application:	Employment
Source:	National equality body
Applicable law:	Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities, Articles and 5 d), 8 n) and 10 (2).

Content

Case development: A transgender woman filed a complaint with the Equal Treatment Authority, claiming that her employer prevented her from using the changing room in line with her gender identity. The 41-year-old complainant, Ms. Aliz Medgyesi, started to work in a small-town factory in the Eastern part of Hungary in 2016. In the summer of 2018, she officially changed her name and gender, and then underwent several male-to-female gender reassignment surgeries during the autumn. When she returned to her workplace with her new ID card, and wanted to use the women's changing room, her employer denied this request of hers, and obliged her to use a separated area in the women's toilet for the purpose of changing her dress. According to the reasoning of the employer, this measure was necessary 'to avoid unrest'.

The employer did not deny that the measure amounted to direct discrimination (based on gender identity), but declared openness to abandon this discriminatory practice. The dispute ended in an agreement: the employer apologised to the complainant and undertook to provide her, and all the employees, with gender adequate changing room access in the future. Moreover, the complainant was invited to talk about gender identity issues at a panel discussion to be organised by the employer. During the procedure, the complainant was supported with legal representation by an LGBTQI organisation, Háttér Society (*Háttér Társaság*).

Decision of the court: The Equal Treatment Authority endorsed the settlement in a decision after the hearing held on the 21th of March 2019.¹

Key points of analysis: According to available information, this was the first time in Hungary, when a legal dispute arose regarding this issue, i.e. transgender individuals' access to bathrooms/changing rooms. As for the context: during an empirical research conducted by the Háttér Society in 2016, 43 % of the transsexual participants claimed to

¹ According to the press release issued by Háttér Society (*Háttér Társaság*).

have lost a job because of their gender identity, and 63 % of them had decided to leave a workplace because of the transphobic atmosphere there.²

Internet link source: Háttér (2019) 'EBH-ügy: Biztosítani kell a transzneműeknek az öltözőhasználatot' (case with the Equal Treatment Authority: Access to changing room should be provided for transgender individuals), 29 March, available at: <http://hatter.hu/hirek/ebh-ugy-biztositani-kell-a-transznemueknek-az-oltozohasznalatot>.

² Háttér Society (2017) *A kirekesztés arcai: A transz emberek foglalkoztatási és munkahelyi hátrányos megkülönböztetése* (Faces of exclusion: Discrimination of trans individuals in the field of employment and at workplaces), Budapest, Háttér Társaság, available at: <http://hatter.hu/sites/default/files/dokumentum/kiadvany/kirekesztesarcai.pdf>.