



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

### FLASH REPORT

<b>Country:</b>	Hungary
<b>Title:</b>	Discrimination based on long-term illness
<b>Date:</b>	19 July 2019
<b>Expert:</b>	András Kádár
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Whether differentiation in social benefits based on long-term illness constitutes discrimination
<b>Grounds of discrimination:</b>	Other ground
<b>Field of application:</b>	Social advantages
<b>Source:</b>	National equality body, EBH/12/2019, 22 March 2019
<b>Applicable law:</b>	Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities

### **Content**

**Case development:** In December 2018, the municipal council of the village where the complainant lived decided to pay a one-time aid of HUF 15 000 (EUR 50) to each pensioner living in the settlement. At that time the complainant had been under hospital treatment for five months (beginning in August 2018) at the hospital of a nearby town and was therefore qualified by the municipal council as not living in the village. Therefore, he was not granted the one-time aid.

**Decision of the equality body:** The Equal Treatment Authority concluded that the complainant was in a comparable situation with other pensioners whose registered official address was in the village, and he was subjected to differential and disadvantageous treatment on the ground of his health status (long-term illness) due to which he had to be hospitalised, and was absent from the village for a longer period of time. The Authority emphasised that the municipal council is also under the obligation of equal treatment with respect to voluntarily given *ex gratia* social benefits.

The Authority established that direct discrimination based on health status had taken place and obliged the municipal council to provide the one-time benefit to the applicant. The municipality complied with the obligation.

**Key points of analysis:** The decision has two noteworthy aspects: the recognition of long-term illness (hospitalisation) as a protected ground and the conclusion that public bodies falling under the requirement of equal treatment must comply with this principle when providing voluntarily undertaken *ex gratia* benefits.

**Internet link source:** <https://www.egyenlobanasmod.hu/hu/jogeset/ebh122019>.