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# Workplace harassment and victimisation in Hungarian legal practice

## *Raising the problem – conceptual questions of equal treatment in Hungarian law*

Discrimination can emerge in several various forms and it is very important for any law system to establish the adequate concepts and definitions for each type of discrimination. I think it is the situation in connection with employment discrimination as well because employment and occupation are one of the most – or maybe the most – dangerous fields where discrimination usually emerges. The precise system of concepts and their correct interpretation is very much needed to protect the employees against the employers if the danger or risk of any kind of discrimination surfaces.

In Hungary these concepts are regulated mostly according to the main rules and principles of EU law but there are some specialities, of course. In my opinion the most interesting part of this kind of analysis is the emergence of these definitions in legal practice; both in the judicial practice and the legal practice of the Equal Treatment Authority. Direct and Indirect discrimination are the most common and "classical" forms of discrimination in employment but attention should be paid to harassment and victimisation as well because these also mean real dangers for the employees related to infringement of equal treatment. In the next few pages I try to analyse the idea, meaning and practical emergence of these two latter concepts in connection with employment in Hungarian legal practice.

## *Harassment as a form of discrimination*

### *The concept of harassment*

Ebktv. defines harassment as an act that violates human dignity emphasizing that it is typically of sexual type but it may be of other types, too[1]. The definitional core of the concept is the protected characteristics and its aim or effect, which is intimidation against a given person and creating degrading, hostile, humiliating or offensive circumstances[2]. In connection with the conceptual specialities of harassment it must be stated that they were analyzed in details by the Court of Justice of the European Union (in the following: CJEU) in the Coleman judgment[3]. Two elements of this interpretation should be emphasized because they are important from the point of Hungarian legal practice as well. On the one hand, the CJEU states that harassment is regarded to be a form of discrimination, consequently rules of burden of proof referring to direct and indirect discrimination should be applied for it, namely, the defendant or the person subject to proceedings has to prove that she/he has not committed harassment[4]. On the other hand, the CJEU supported the broadening interpretation of harassment in the sense that practically the employee did not have any protected characteristics, and the employer committed harassment on the basis that the employee's child was disabled. In my opinion this should be defined – according to the Ebktv. – as other situation but it would be of high importance referring to the broadening interpretation, since no case of this type has been occurred yet in Hungarian legal practice. Altogether we can come to the conclusion that the CJEU does not interpret the existence of protected characteristic on the basis of the directives too strictly.

However, it is not quite unambiguous on the basis of the Coleman judgment if the concept of harassment must be interpreted within the frames of general rules (direct and indirect discrimination) how the special rules laid

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1 In connection with conceptual specialities and forms of emergence of harassment see: J. Hajdú, *Az alternatív vitamegoldási rendszerek szerepe a munkahelyi zaklatásos ügyek megoldásában*, Acta Universitatis Szegediensis De Attila József Nominate Acta Juridica et Politica 1999, 9–20; S. Robin-Olivier, *French prohibition of harassment at work: A case of complex articulation of moral and sex, under European influence*, "European Labour Law Journal" 2010, 1, 1, p. 141–146.

2 The definition highlights that harassment can be practically anything, which can cause this kind of infringement of rights; because the main point of harassment is violation of human dignity. See: E. Quill, *Employers' Liability for Bullying and Harassment*, "International Journal of Comparative Labour Law and Industrial Relations" 2005, 21, 4, p. 645–666.

3 C-303/06. Coleman [2008] ECR I-5603.

4 C-303/06. Coleman [2008] ECR I-5603., points 61 and 62.

down in article 2. § paragraph (3) of Directive 2000/78/EC should be applied[5]. This problem in Hungarian law in connection with the strict conceptual distinction of Act CXXV of 2003 on Equal Treatment and Promoting Equal Opportunities (in the following: Ebktv.) is rather irrelevant, but on the basis of the judgment the broadening interpretation seems to be justified.

Workplace harassment can be observed in practice, but most of these kinds of cases remain without labour law consequences contrary to the direct or indirect discrimination and harassment. Naturally, several such cases are known, but typically they become known in the proceedings before the Equal Treatment Authority and not before the courts[6].

### *Harassment in the legal practice of the Equal Treatment Authority*

In Hungarian law there is a commitment of the Equal Treatment Council Board about the concept of harassment[7], so referring to conceptual clarification it is appropriate to overview it briefly. The commitment treats sexual harassment as a separated category but pays attention to the fact that according to the text of the Ebktv.[8] the general concept of harassment also contains sexual harassment, namely, it has not got any other concept, but of course, it is not necessary either. This way the same rules refer to these concepts and they must be judged the same way in administrative and judicial procedures. This clarification is important since harassment cannot be realized only as sexual content exclusively[9]; however sexual harassment is one of the most typical examples of workplace harassments and regarding this fact the need for its independent definition in the Ebktv. may arise[10]. Albeit with my opin-

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5 C. O'Cinneide, *The Evolution and Impact of the Case-law of the Court of Justice of the European Union on Directives 2000/43/EC and 2000/78/EC*, http://www.non-discrimination.net/content/media/Evolution%20and%20Impact%20EN%20FINAL.pdf (24.05.2014), European Commission, EU 2012, p. 41.

6 This kind of harassment is typical against women employees. See e.g.: judgment No. BH 347/2011. But it is not typical in Hungary exclusively that all forms of workplace discrimination occur against women more frequently. See in this regard: S.D. Burri, F. Dorssemont, *The Transportation of the Race Directive (2000/43/EC) and the Framework Directive on Equal Treatment in Employment (2000/78/EC) in Dutch and Belgian Law*, "International Journal of Comparative Labour Law and Industrial Relations" 2005, 21, 4, p. 537–570.

7 Commitment No. 384/5/2008. (IV. 10.) TT. sz. on the concept of harassment and sexual harassment.

8 Article 10. § paragraph (1) of the Ebktv.

9 C. Tobler, *Case Study into the Development of the Legal Concept of Indirect Discrimination under EC Law*, Intersntia, Antwerpen–Oxford 2005, p. 48–49.

10 T. Gyulavári, *Három évvel az antidiszkriminációs szabályozás reformja után*, „Esély" 2007, 18, 3, p. 19–20. According to this the need for separate definitions can be raised as follows; the general concept of Hungarian law is narrower than the concept of sexual harassment in EU law based on the definitions of Directives 2000/78/EC, 2000/43/EC and a 2006/54/EC.

ion it is not necessary in case of the correct interpretation of the framework definition of the Ebktv.

Furthermore, the commitment states that the broadening interpretation of both harassment and sexual harassment is necessary at least regarding that harassment can be performed by both active or passive behaviour, and on the harassing party (at present the employer) not only intentional behaviour can result harassment. Namely, during the correct interpretation of the concept the result of the harassing behaviour must be kept in mind but not the harassing person's circumstances, e. g. the person's state of mind. This kind of restriction would be unjustified since the essence of the concept of harassment is that the victim's human dignity is infringed, emphasizing that the guidelines of the directives[11] focus on the remedy of the rights of the harassed party and the prevention of any future harassments.

The commitment declares that in everyday life in connection with employment relationship we can often experience harassment or sexual harassment, so its prohibition in the Ebktv. refers to employment as well. According to the commitment the definition of harassment in the Ebktv. is narrower than the definition of harassment of the above mentioned directives, but this fact can be balanced properly by preferable justifying rules of the Ebktv. since the employer has possibility of justifying herself/himself but only according to article 19. § of the Ebktv. It seems to be an effective mean of protection on the employees' side. Moreover, the commitment gives typical examples where harassment is taken place and other examples where not. Several of these cases will be analyzed in details in the following.

First of all it is necessary to state that to explore the causes of harassment is rather difficult[12], especially in connection with employment relationship, mainly because to judge whether the suffered violation was really based on the harassed party's protected characteristic is often not unambiguous[13], and what is more, harassment often causes such fear and sense of intimidation for

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[11] Primarily article 2. paragraph (3) of Framework Directive 2000/78/EC, article 2. paragraph (3) of Directive 2000/43/EC and article 2. paragraph (2) of Directive 2002/43/EC are relevant in connection with this concept.

[12] At the same time judgment of the Curia of Hungary No. KGD 79/2013 tries to explain this situation carefully because it states that in case of workplace harassment the main rules of the Ebktv. for burden of proof should be applied. So the employee has to presume that she/he suffered infringement of rights and has protected characteristic at the same time and after that the employer has to prove that she/he did not violate the principle of equal treatment. According to this judgment these rules have great importance in connection with harassment.

[13] V. Howes, *The Law of Harassment in the UK: A Growing Concern*, "International Journal of Comparative Labour Law and Industrial Relations" 2009, 25, 2, 1p. 92–193.

the employee referring to the future that the party suffered harassment does not necessarily file for action[14].

On examining the single resolutions of the Equal Treatment Authority regarding their content resolutions No. 126/2012., 1/2012. and 25/2008. can be connected since their basis were workplace harassment performed in its "classical" form and rather clear. In the first two cases the applicant was a woman who suffered sexual harassment and humiliating behaviour and they continuously received sexual bid and after the refusal the employer tried to hurt them at their workplaces. These cases are rather clear since the behaviour of the employer – or the employer's subordinate – covers the definition of harassment in the Ebktv. and it is also common in these cases that the employer could provide justification in merit[15]. In resolution No. 25/2008. the employer performed harassment since the employer did not prevent that the employees and a subordinate leader continuously made hostile, aggressive environment because the applicant earlier made an announcement to the management of the firm because of a lost television which was the firm's property. It was clear that she/he was insulted because of the announcement for a rather long time and as a consequence of this she/he was on sick leave, so it cannot be questioned whether it was workplace harassment. It is noteworthy that this approach – correctly – interprets the concept of the Ebktv. broadening, this way it is consistent with the regulations of the aforementioned directives. It is very important because in connection with performing harassment it is not the employer's behaviour what is emphasized but the fact whether the working environment (either the other employees' behaviour) violates the employee who suffered harassment regarding any of her/his protected characteristic[16]. In my opinion it is doubtless that such a case must be judged this way.

The employer's behaviour during term of probation can be regarded as harassment if the employer is continuously intimidating the employee by statements of sexual content, jokes and because of them the harassed party expresses her/his displeasure[17]. So the termination of legal relationship dur-

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[14] See the judicial practice of workplace harassment: judgment of the Curia No. Kfv. II.39.091/2011/10. The Curia states harassment according to the Ebktv. in this case but it is clear from the judgment that the problems of the judicial practice and the Equal Treatment Authority's practice are still the same.

[15] Her/his proving consisted of the lack of her/his intention of harassing behaviour.

[16] T. Gyulavári, A.K. Kádár, *A magyar antidiszkriminációs jog vázlata*, Bíbor Kiadó, Miskolc 2009, p. 80–81.

[17] Resolution No. 69/2006. See in connection with termination of employment relationship resulting direct discrimination during the term of probation: resolutions No. 464/2012, 585/2012, 23/2011, 122/2010, 1201/2008 and 516/2007.

ing term of probation could be traced back to harassment and resistance against it, and the harassment itself could be traced back to the womanhood of the employee, so all the elements of article 10. § paragraph (1) of the Ebktv. occurs and its main proof is that the employer's hostility was performed against the employee's protected characteristic. What is more, the employer connected to harassment a kind of sanction as consequence[18] what confirms the fulfilment of harassment in any case and raises the risk of victimisation, since in my opinion resistance against harassing behaviour can be regarded as excuse for violating the principle of equal treatment[19].

The employer did not perform harassment when she/he hit the employee really by such disadvantages of which consequences the workplace atmosphere deteriorated, but its cause was not any protected characteristic of the employee but their personal conflict[20]. It is important that even if the employer's measure was harassment-like behaviour, her/his activity is not factual because causality is missing from among the conceptual elements.

Furthermore, the Equal Treatment Authority makes an important statement in the resolution No. 519/2006. since the applicant marked other characteristic (situation) as base of discrimination what was her childlessness. In her opinion the employer openly granted privileges for those who had children, but she was not allowed to go for holiday when her mother was ill and that was the reason that she did not receive pay rise. The employer proved that other childless employees got pay rise, so the main cause of failure of pay rise was her deteriorating working performance while at issue of holiday the employer did not enforce family situation as directive aspect. Consequently, it can be stated that a case when a person feels that she/he is treated this way in general while the real causes of the suffered violation are concrete, recognizable, but not discriminative, cannot be regarded harassment[21]. Separately, childlessness can be other situation if at the workplace the employer treats an employee referring to this fact other way, but at the present case there is no

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[18] It is because every kind of negative, offensive behaviour, which is based on protected characteristic, should be entitled in this circle. See: judgments C-81/12. Asociaţia ACCEPT kontra Consiliul Naţional pentru Combaterea Discriminării [2013] ECLI:EU:C:2013:275. and C-303/06. Coleman [2008] ECR I-5603.

[19] A. Magicz, *A megtorlással szembeni védelem gyakorlati kérdései és a jogi szabályozás továbbfejlesztésének irányai*, [in:] B. Majtényi (ed.), *Lejtős pálya – Antidiszkrimináció és esélyegyenlőség*, L'Harmattan, Budapest 2009, p. 166–169.

[20] Resolution No. 344/2013.

[21] The Equal Treatment Authority stated a similar standpoint in resolution No. 86/2007 as follows. The employer could exempt herself/himself successfully because she/he proved that the harassing behaviour – asserted by the employee – did not happen at all and the other workplace troubles and atrocities did not exceed the level of the workplace conflicts that can be tolerated according to everyday life.

causal connection between the protected characteristic and perceived harassing behaviour.

### *Workplace harassment according to the legal interpretation of the Curia of Hungary*

According to judgment No. BH 347/2011 of the Curia of Hungary (in the following: Curia) the concept of harassment should be interpreted broad, namely at workplace every oral or active behaviour for establishing sexual relationship by which the employer humiliates the employee (as a consequence of subordination) is harassment. According to the Curia in this respect it is not necessary to distinguish sexual harassment from harassment since the employer's behaviour violating human dignity fulfils both of them. However, the Curia states that to justify sexual harassment before the court is the employee's task, but in my opinion this does not come from the justification rules of the Ebktv. This argument of the Curia is confirmed by judgments No. Kfv.II.39.091/2011/10. and Kfv.IV.37.969/2009/7.

The employer's simple hostility cannot be regarded harassment even if its base is only the parties' some kind of former act. So the deteriorated employment relationship and/or the disciplinary sanction, which is illegal and inequitable according to the employee itself, cannot be regarded harassment, neither the employee's protected characteristic, which was not rendered likely in the concrete case[22]. To be more correct, the employee indicated – probably as other situation – that their relationship was deteriorated earlier and the employer violated the principle of equal treatment. This case is a good example that the conceptual elements defined in the Ebktv. must be examined carefully because different – disadvantageous for the employee – treatment itself does not necessarily result harassment, and it is confirmed by the lack of protected characteristic.

The Curia stated in judgment No. Mfv.I.10.197/2013/4 that termination of employment relationship was illegal because the extraordinary dismissal performed by the employer was harassment according to article 10. § paragraph (1) Ebktv. So the employer may perform harassment by a measurement of object of labour law because in a concrete –otherwise having legal consequences – case it may happen referring to a protected characteristic of the employee and this way violates human dignity. Namely, the employer's harassing behaviour resulted exemption, so the Curia regarded harassment proved. The employer could not exempt himself, he did not even present evidence on the merit, while it was unambiguous on the employee's referring

[22] Judgment No. Mfv.III.10.050/2013/4 of the Curia.

the situation probable that the employer performed extraordinary dismissal against her/him because of her incapacity and this way the employer infringed the employee's human dignity. This decision must be agreed because it is clear that harassment – even if it is an independent concept in the Ebktv. – is not a kind of separated, rare phenomenon, but a form of discrimination, which can be performed by any kind of behaviour of the employer.

## *Victimisation in connection with employment*

### *Victimisation in EU law*

According to article 10. § paragraph (3) of the Ebktv. victimisation is every attitude that causes injury to a person who makes objection, files for action because of violating the requirement of equal treatment or causes legal injury in connection with this, directing to causing legal infringement or threaten a person participating in the proceeding[23].

Article 11. of Directive 2000/78/EC – under the title victimisation – intends to ensure protection for the employees in case they suffer any disadvantage as a consequence of making steps e. g. file for action before the court or authority or only because they speak out against the employer's discriminative disposition[24]. This rule can be found in article 10. § paragraph (3) of the Ebktv. nearly word by word as a general prohibition and not directly keeping in mind the employees' protection. So victimisation is defined in general in the Ebktv. but at the same time the Directive names dismissal as one of the most important fields where Member States are required to ensure protection against victimisation, so this rule should be implemented in Hungarian law as well. It is true that such cases are relatively rare in the field of employment[25]; however most of these cases are not taken into procedure before the court or authority.

### *The conceptual elements of victimisation in the legal practice of the Equal Treatment Authority*

Based on the practice of the Equal Treatment Authority it is necessary to examine the conceptual specialities of victimisation. In spite of the fact that victimisation in connection with employment does emerge not too often

[23] See for example the case of employer's revenge in judicial practice: judgment of the Curia No. KGD 111/2011.

[24] In connection with the elements of the definition Gyulavári – Kádár highlight that the discrimination on which victimisation is based and the behaviour causing the infringement of rights must be separated in time. See: T. Gyulavári, A.K. Kádár, p. 94–96.

[25] The Equal Treatment Authority has made only four resolutions yet. See the judicial practice: judgments of the Curia No. BDT 1778/2008 and No. Kfv.IV.37.694/2010/14.

among the published cases, it is a real danger for the employees in connection with their work or workplace attitude[26].

The Equal Treatment Council Board in the commitment No. 384/3/2008 (II. 27.) TT. sz. gives a comprehensive interpretation of the concept of victimisation it is necessary to introduce it briefly since the Council Board's standpoint focuses on present and actual legal problems of the directing practice.

The main function of the concept of victimisation is to guarantee the effectiveness of legal protection against discrimination, since if it would not be prohibited to perform any (further) disadvantage against those who made any kind of complaints in any forms against discrimination, they would suffer multiply and extreme restriction in their rights. Victimisation may be performed not only against persons with protected characteristics, and its performance is independent from the outcome of the original complaint proceeding. The resolution also emphasizes that in such cases the rules of burden of proof stated in article 19. § of the Ebktv. must be applied referring to the conceptual specialities of victimisation.

So we can speak about victimisation if its cause (discrimination complaint, objection) and its result, namely legal infringement as consequence exist at the same time. Discrimination complaint may be an objection against the measure, initiating a proceeding or taking part in it. In connection with the legal infringement it is necessary to emphasize that according to the commitment any real, done legal infringement is not necessary anyway, but the danger of its occurrence or threat of it may embody victimisation. It is not a need that the legal infringement should be in itemized concrete regulation, since any kind of behaviour may be victimizing, which violates human dignity, peremptory or mala fide[27]. Typical examples can be any kind of harassment, abuse of rights, disciplinary proceeding or any sanction against the employee, unjustified diversion, dismissal, etc. Regarding labour law aspect it is very important to declare that any of the employer's measure and behaviour, which is unjustified or arbitrary, may be victimisation, so to interpret the sphere of legal infringement as conceptual element in a broad sphere is justified[28].

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[26] It is supported by article 11 of Framework Directive 2000/78/EC, article 9 of Directive 2000/43/EC and article 24 of Directive 2006/54/EC because they define both prohibition of victimisation and the concept of it. T. Gyulavári, A.K. Kádár, *A magyar*..., p. 94–101 and A. Magicz, p. 167–169.

[27] T. Gyulavári, A.K. Kádár, *A magyar*..., p. 94–101 and A. Magicz, *A megtorlással*..., p. 167–169.

[28] According to the judgment C-185/97 Belinda Jane Coote contra Granada Hospitality Ltd. [1998] ECR I-5199 of the CJEU – which is referred to in the cited commitment concerning victimisation as well – the employer can perform victimisation even after the termination of the employment relationship if she/he does not hand over the relevant documents for the employee. It is prohibited, of course as well and this results a broadening interpretation of victimisation in legal practice.

In resolution No. 150/2012 the Equal Treatment Authority declared the realization of victimisation because the employer established hostile environment for the complainant employee to such great extent that this could have resulted forced termination of the employment relationship. This hostile, threatening conduct from the employer's part was due to the employee's religious belief and was a base for the employee's continuous workplace harassment. According to the resolution it is beyond doubt that the employer's conduct violated the employee's human dignity and this could be traced back to one of her/his protected characteristics. Attention should be paid to the fact that the Equal Treatment Authority – not fully in accordance with the content of article 10. § paragraph (1) of the Ebktv. – marked as final argument the emergence of the cited protected characteristic, which was the base of victimisation; at the same time referring to the violation of human dignity.

Albeit with it may seem that the violation may have originated from the protected characteristic, but it was rather the base of harassment, which occurred earlier than the victimisation and was the base of further disadvantageous measures. This way the Equal Treatment Authority deals with all disadvantages connected, which were realized on the base of protected characteristic and disregards victimisation as a consequence. It should be added that the employee who suffered continuous harassment because of her/his religious belief previously made complaint to her/his maintenance, and in fact the situation got so far that the employee suffered workplace victimisation as it was described above, so it is a good example that harassment and victimisation naturally sequentially can be realized by the same act and motivation of the employer.

Similarly, the Equal Treatment Authority stated infringement of rights in resolution No. 88/2011 as follows. Employment relationship existed between the complainant employee and the employer for more than 20 years, but their relationship sharply changed when the employee filed labour issues against her/his employer in connection with wage discrimination. Then – as retribution – the employer forced termination and named reorganization as cause. However, the Equal Treatment Authority emphasized that even if termination of employment relationship had had a real base as the employer justified, the employer's conduct could perform victimisation since the termination did not have any other reason. This case is interesting since the consequences of a previous discrimination resulted victimisation, namely, the employer tried to revenge the labour law suit against the employee by the seemingly legal application of termination of employment relationship, in spite of the fact that apart from this the parties' employment relationship was without problems[29].

[29] This case is a good example for the following: as an employer it is very easy to commit victimisation based on a seemingly real circumstance. Victimisation can emerge in several ways and it is connected in most of the cases to the principle of equal treatment. See: D. Schiek,

### *Interpretation of victimisation in employment based on the Hungarian judicial practice*

Regarding victimisation in the practice of the Curia important interpretations can be found in judgment No. KGD 111/2011 of the Curia since according to this resolution the employer performs conclusion of fact of victimisation if the employer conducts such behaviour toward a person who files for action against the employer and the legal infringement as base of the proceeding is proved. Namely, the Curia states that a proceeding filed for action because of a real legal infringement confirms the performance of victimisation against the employee.

According to the Curia the employer performs victimisation against the employee if the employer initiates amendment in the employment contract on such conditions, which are disadvantageous for the employee and this conduct of the employer results the termination of the employment relationship[30]. Namely, from among the conceptual elements of victimisation disadvantage definitely exists and its base in this case was that the employee turned to the Equal Treatment Authority because of violation of the principle of equal pay for equal work. This way the parties' relationship deteriorated and the employer tried to resolve the situation; so she/he initiated the amendment in the employment contract but this way the employee was forced into a situation, which was disadvantageous for her/him. So the conceptual elements in article 10. § paragraph (2) of the Ebktv. existed and we must agree with the decision in any case.

See another example: according to judgment No. Kfv.IV.37.694/2010/14 of the Curia the employer performs victimisation when denies the employee's participation in the teaching staff's excursion because the employee initiated suit against the employer regarding reward.

## *Conclusion*

To sum up all the above mentioned it can be stated that the importance of concepts of harassment and victimisation is very high in connection with guaranteeing equality for the employees. But their real content and approach is not so unambiguous in every case; so in my opinion all the above explained aspects should be taken into consideration in the everyday legal practice.

The approach of the Hungarian law enforcement shows great similarities with the guidelines of the EU but I think some kind of unification and development is needed in connection with both definitions. I think this process

L. Waddington, M. Bell (eds.), *Cases, Materials, Text on National, Supranational and International Non-Discrimination Law*, Hart Publishing, Oxford–Portland 2007, p. 603–607.

[30] Judgment of the Curia No. Kfv.III.39.169/2011/7.

should be focused on the judicial practice because the legal practice of the Equal Treatment Authority seems quite structured, logic and well-based in most cases.

And as final consideration I would like to express my hopes according to the seriousness and correct interpretation in legal practice concerning harassment and victimisation because although they are not cited very usual in legal practice albeit with they mean real and actual threat for the employees' fundamental human right to equality and – of course – human dignity as well. So this way the specialities of employment relationships should be taken into consideration as well and equal treatment should (could?) be protected to the possible greatest extent.

**Abstract**
**Workplace harassment and victimisation in Hungarian legal practice**

This paper deals with some current questions of equal treatment, especially with regard to workplace discrimination. Direct and indirect discrimination are the most common forms of discrimination but attention should be paid to harassment and victimisation as well because these also represent real dangers for employees related to infringement of equal treatment. I intend to analyse the practical emergence of these concepts in connection with employment in Hungarian legal practice. I will examine individual resolutions of the Equal Treatment Authority and judgments of the Curia of Hungary. I will refer to the relevant directives of the European Union and mention some of the most important judgments of the Court of Justice of the European Union concerning harassment and victimisation. I give some considerations in accordance with the importance and correct interpretation of the relevant definitions.
**Key words**: equal treatment, harassment, human dignity, labour law, victimisation

**Streszczenie**
**Molestowanie i mobbing w węgierskiej praktyce prawnej**

Tematem niniejszego artykułu jest problematyka równouprawnienia, zwłaszcza ta, która dotyczy dyskryminacji w pracy. Bezpośrednia i pośrednia dyskryminacja są najbardziej powszechnymi formami tego zjawiska, ale należy zwracać uwagę również na molestowanie i mobbing ponieważ one także stanowią istotne zagrożenie naruszenia praw pracowników do równego traktowania. Autor rozpatrzy wyżej wymienione pojęcia w prawie węgierskim. Przeanalizuje pojedyncze rezolucje Komitetu do Równouprawnienia i wyroki węgierskiego Sądu Najwyższego. Będzie się odwoływał do istotnych rezolucji Unii Europejskiej i wspomni o najważniejszych orzeczeniach Trybunału Sprawiedliwości Unii Europejskiej odnośnie molestowania i mobbingu. Autor będzie rozważył znaczenie i poprawną interpretację istotnych definicji.
**Słowa kluczowe:** równe traktowanie, molestowanie, godność człowieka, prawo pracy, wiktymizacja