

IV. OTHER REGULATIONS

IV.6. Equal Opportunities Regulation of Corvinus University of Budapest

At its meeting on 19 December 2016, the Senate adopted the Equal Opportunities Regulation of Corvinus University of Budapest by its resolution No. SZ-64/2016/2017 (7 December 2016).

At the same time, the previous regulation on the subject was repealed.

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PREAMBLE**1.§**

- (1) The purpose of creating the Equal Opportunities Regulation (hereinafter: Regulation) is to implement the equal opportunities provisions of Act CXXV of 2003 on equal treatment and the promotion of equal opportunities, Act CCIV of 2011 on National Higher Education and Act I of 2012 on the Labour Code at Corvinus University of Budapest (hereinafter: University).
- (2) The purpose of the Regulation is to create a framework for assessing and analysing the employment situation of disadvantaged groups of employees, to define the objectives necessary for the creation of equal opportunities for employees, and to develop the procedures and tools necessary for their achievement, taking into account the organisational and operational characteristics of the University.

RELATED DOCUMENTS**2.§**

- (1) The Regulation has been prepared on the basis and in the light of the following legislation:
 - a) Act CXXV of 2003 on equal treatment and the promotion of equal opportunities (hereinafter referred to under the Hungarian abbreviation: Etv.),
 - b) Act CCIV of 2011 on National Higher Education (hereinafter referred to under the Hungarian abbreviation: Nftv.),
 - c) Act I of 2012 on the Labour Code; (hereinafter referred to under the Hungarian abbreviation: Mt.),
 - d) Act XXXIII of 1992 on the Legal Status of Public Servants (hereinafter: Kjt.)
 - e) Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women
 - f) Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, and Directive 2002/73/EC amending it,
 - g) Council Directive 79/7/EEC on the progressive implementation of the principle of equal treatment for men and women in matters of social security,
 - h) Council Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes and Directive 96/97/EC amending it,
 - i) Council Directive 86/613/EEC on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood
 - j) Council Directive 97/80/EC on the burden of proof in cases of discrimination based on sex,
 - k) Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin,
 - l) Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation

- m) Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

THE SCOPE OF THE REGULATION

3.§

- (1) The scope of the Regulation shall apply to all organisational units of the University, regardless of their organisational structure and geographical location.
- (2) The personal scope of the Regulation covers:
- (3) to all public servants of the University, regardless of the job title held, the full-time or part-time nature of the employment, whether the employment is fixed-term or indefinite, and to employees of the University in additional employment relationships (hereinafter collectively referred to as “public servants”);
- (4) to all students of the University, regardless of whether they are studying in a programme leading to a higher education qualification or a non-tertiary level qualification, the programme cycle, the study programme, full-time or part-time programme, funded through state scholarship or in self-funded form (hereinafter: student);
- (5) unless otherwise provided for in this Regulation, this Regulation shall also cover potential public servants and applicants to the University.
- (6) The Amsterdam Treaty and the Etv. highlight the following disadvantaged groups which should be given special attention in equal opportunities measures:
 - a) women,
 - b) staff members over forty years of age,
 - c) Roma,
 - d) people with disabilities,
 - e) parents of two or more children under the age of ten or single public servants with children under the age of ten.
- (7) The Etv. also states that special attention shall be paid to disadvantaged persons due to a health impairment.

DESIGNATION OF THE PERSON IN CHARGE OF DRAFTING THE REGULATION

4.§

- (1) The Rector and the Chancellor are jointly responsible for the implementation of the legal provisions on equal opportunities, for the development and improvement of the organisational and operational rules to ensure equal opportunities, and for the preparation and maintenance of the Regulations.
- (2) The Equal Opportunities Committee shall be responsible for the preparation and ongoing maintenance of the Regulation. The Human Resources Office shall contribute to the preparation of the Regulation, while the Administrative Directorate shall exercise legal control.

BASIC PRINCIPLES OF THE REGULATION**5.§**

- (1) The University shall pay particular attention to the application of equal treatment, the prevention and elimination of direct and indirect discrimination, harassment, unlawful segregation or retaliation on the grounds of the properties of public servants and students as defined by law and the promotion of equal opportunities.
- (2) The acts referred to impose several requirements on the University, which differ in nature and conditions:
 - a) the requirement of equal treatment for all public servants and students,
 - b) non-discrimination for all public servants and students,
 - c) the requirement to promote equal opportunities for disadvantaged public servants and students.
- (3) The University shall respect the human values, dignity and uniqueness of public servants and students. Taking into account and reconciling the interests of both the University and public servants, the University shall create working and teaching conditions and circumstances that contribute to the preservation and strengthening of these fundamental values.
- (4) The University is committed to the principles of equal opportunities in the workplace, and, in order to achieve this, it takes measures to promote and support respect for the principles of equal treatment and equal opportunities. It undertakes to preventing and combating discrimination against public servants and students in its operations.

REQUIREMENT OF EQUAL TREATMENT**6.§**

- (1) Subject to Section 4 and Paragraph d) of Section 5 of the Etv., the University shall comply with the requirement of equal treatment in the establishment and during the existence of student statuses and employment relationships, as well as in the course of its procedures and measures.
- (2) In accordance with Section 12 of the Mt., the University shall respect the requirement of equal treatment in relation to public servant status and the remuneration of work, in particular.
- (3) Pursuant to Paragraph d) of Subsection (2) of Section 11 of the Nftv., the University shall ensure that in course of its operation, the persons involved in the fulfilment of its duties comply with the requirement of equal treatment and equal access when making their decisions related to the students, lecturers and the staff working in higher education.

PROHIBITION OF DISCRIMINATION, HARASSMENT, UNLAWFUL SEGREGATION OR RETALIATION**7.§**

- (1) The University shall respect the freedom of conscience and religion of public servants and students. Public servants and students shall not be pressed to confess or deny their convictions of conscience, ideology or political opinions, nor shall any person be disadvantaged on the grounds of his or her conscience, ideology or political opinions.

- (2) Direct discrimination shall mean any provision which results in less favourable treatment of a person or group of persons than another person or group of persons in a comparable situation because of his or her or their actual or perceived
- a) sex,
 - b) race,
 - c) skin colour,
 - d) nationality,
 - e) belonging to a nationality,
 - f) mother tongue,
 - g) disability,
 - h) health,
 - i) religion or ideology,
 - j) political or other opinions,
 - k) marital status,
 - l) motherhood (pregnancy) or fatherhood,
 - m) sexual orientation,
 - n) gender identity,
 - o) age,
 - p) social origin,
 - q) financial situation,
 - r) the part-time or fixed-term nature of employment or additional employment relationship,
 - s) belonging to an interest-representation body,
 - t) other status, quality or characteristic (together referred to as "property").
- (3) Indirect discrimination shall mean a provision which does not constitute direct discrimination and which appears to satisfy the requirement of equal treatment, where it **Hiba! A hivatkozási forrás nem található.** places certain persons or groups of persons having the properties set out in this Subsection at a substantially greater disadvantage than the disadvantage which other persons or groups in a comparable situation were, are or would be in.
- (4) The University prohibits any harassment, unlawful segregation or retaliation.
- (5) Harassment shall mean any conduct of a degrading, sexual or other nature related to a property of the person concerned as defined above, which has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for a person.
- (6) Unlawful segregation shall mean a provision which, on the basis of a property as defined above, segregates a person or a group of persons from persons or a group of persons in a comparable situation to them, without being expressly permitted by law.
- (7) Retaliation shall mean any conduct which causes, seeks to cause or threatens to cause a violation of rights against a person who objects, initiates or participates in proceedings on the grounds of a violation of the requirement of equal treatment.
- (8) The employer shall not discriminate directly or indirectly against a public servant, in particular in relation to:
- a) access to employment, in particular public job advertisements, recruitment, terms and conditions of employment,
 - b) a provision relating to a procedure prior to, or in support of, the establishment of a public servant relationship or an additional employment relationship,
 - c) the establishment or termination of a public servant relationship or an additional employment relationship,
 - d) a programme prior to or in the course of employment,

- e) establishing and ensuring working conditions,
 - f) in the determination and provision of benefits, in particular salaries and fees, payable under the public servant relationship or additional employment relationship,
 - g) membership or participation in employees' organisations,
 - h) the advancement system,
 - i) the enforcement of liability for damages or disciplinary responsibility.
- (9) A conduct, measure, condition, omission, instruction or practice based on the properties listed in this section, which has, on the basis of objective considerations, a reasonable justification directly related to the legal relationship in question or which is justified by the characteristics or nature of the work, does not infringe the requirement of equal treatment.

THE PROMOTION OF EQUAL OPPORTUNITIES

8.§

- (1) Pursuant to Subsection (1) of Section 11 of the Etv., a provision aimed at eliminating unequal opportunities for an explicitly designated social group based on an objective assessment does not constitute a violation of the requirement of equal treatment if it is based on an act or a government decree authorised by an act or a collective agreement and is limited in time or until a definite condition is met, on condition that such a provision may not violate a fundamental right, may not grant an unconditional advantage and may not exclude the consideration of individual criteria.
- (2) The University undertakes to implement the requirement of equal treatment in the course of employment in accordance with Sections 21-23 and 27-29 of the Etv.

EQUAL OPPORTUNITIES COMMITTEE

9.§

- (1) The University shall establish an Equal Opportunities Committee to implement the provisions of this Regulation, to coordinate the preparation and ongoing maintenance of the Equal Opportunities Plan, and to organise other University tasks related to ensuring equal opportunities.
- (2) Other tasks of the Committee:
- a) preparing and coordinating the implementation of the Equal Opportunities Plan,
 - b) preparing the annual report on the implementation of the Equal Opportunities Plan,
 - c) investigating complaints relating to equal opportunities within the University, in particular violations of this Regulation, and
 - d) expressing opinions and making suggestions on all matters relating to activities falling within the scope of this Regulation.
- (3) The Committee is composed of five members. The Rector and the Chancellor each delegate one member to the Committee, and the Trade Union, the Council of Public Servants and the Student Union each delegate one member according to their own rules.
- (4) The members of the Committee shall be appointed for three years.
- (5) The Committee shall elect a chairperson from among its members. The Chairperson, acting in his or her capacity as such, shall convene and chair the meetings of the Committee and represent the Committee.

- (6) The detailed rules for the operation of the Committee are set out in its rules of procedure, within the framework of the following provisions:
- a) The Committee shall adopt its rules of procedure by a two-thirds majority.
 - b) The Committee shall have a quorum if more than half of its members are present. In the absence of a quorum, the Chairperson shall reconvene the session 8 days later, or one hour later in the case of extreme urgency, with the same agenda, regardless of the number of members present.
 - c) The Commission shall seek consensus in its decisions. If consensus cannot be reached, a majority of the members present shall decide. Each voting member shall have one vote. The minority opinion of the members shall be recorded in the memorandum of the meeting.
 - d) The Committee shall act either ex officio or on a complaint. The complaint can be made orally or in writing. Oral complaints shall be recorded in a report.
 - e) At the request of the aggrieved party, the Committee shall, where justified and provided that this does not jeopardise the success of the procedure, conduct the procedure without revealing the identity of the complainant.
 - f) In order to establish the facts of the case, the Committee may hear the persons concerned and witnesses, inspect documents, carry out on-the-spot inspections, call on experts and other means of evidence.
 - g) The Committee shall process a complaint within 15 days of receipt of the complaint or, in the case of an ex officio procedure, of the discovery of the facts giving rise to the procedure, which may be extended once by 15 days in justified cases, with simultaneous notification to the complainant.
 - h) If the Equal Opportunities Committee deems the complaint to be unfounded, it shall inform the complainant, the executive who has committed the offence, the person exercising employer's rights, the Rector and the Chancellor, giving written reasons. The complainant shall be informed of the legal remedies available to him or her.
 - i) If the Committee finds that the requirement of equal treatment has been violated, it shall call upon the person exercising employer's rights over the person whose right to equal treatment has been violated, the Senate in the case of the Rector, to take measures to eliminate the violation.
 - j) The Committee shall consult as widely as possible with groups at a disadvantage in the field of equal opportunities.
 - k) The Committee may set up professional working groups with the unanimous agreement of its members.
 - l) A memorandum shall be drawn up on the sessions of the Committee.
- (7) The University shall ensure the electronic availability of the Committee on the University's website.

EQUAL OPPORTUNITIES OFFICER

10.§

- (1) In order to ensure the efficient implementation of the provisions of this Regulation, the University has an Equal Opportunities Officer. The Equal Opportunities Officer shall be appointed jointly by the Rector and the Chancellor.

- a) The role of the Equal Opportunities Officer is to support the work of the Equal Opportunities Committee as secretary and to carry out operational tasks related to the work of the Committee in cooperation with the Chairperson of the Committee.

EQUAL OPPORTUNITIES PLAN

11.§

- (1) The University, in cooperation with the Council of Public Servants and the Trade Union, shall draw up an Equal Opportunities Plan for a fixed term of up to two years to promote equal opportunities and ensure the rights of public servants.
- (2) The Equal Opportunities Plan is the result of an agreement between the Rector and the Chancellor of the University as persons exercising employer's rights, the Council of Public Servants as the elected representatives of public servants and the Trade Union as interest-representation body.

PERSONS AND BODIES RESPONSIBLE FOR THE IMPLEMENTATION OF THE EQUAL OPPORTUNITIES PLAN

12.§

- (1) The preparation of the Equal Opportunities Plan shall be the responsibility of the Rector and the Chancellor jointly on behalf of the University, and the persons appointed by the heads of the representative bodies on behalf of the Council of Public Servants and the Trade Union. The Rector shall be immediately notified of the person appointed as the responsible person by the Council of Public Servants and the Trade Union, and of any change in the person appointed.
- (2) The Equal Opportunities Committee shall be responsible for the preparation of the Equal Opportunities Plan and, if necessary, its amendment. The Chairperson of the Committee is responsible for the preparation of the Plan. The detailed rules for the preparation of the Plan are set out in the rules of procedure of the Equal Opportunities Committee.
- (3) The new Equal Opportunities Plan shall be prepared and sent to the Rector, the Chancellor and the heads of the Council of Public Servants and the Trade Union at least 60 days before the expiry of the current Equal Opportunities Plan.
- (4) The Rector, the Chancellor and the heads of the Council of Public Servants and the Trade Union shall decide on the Equal Opportunities Plan within 30 days of its submission.
- (5) If the Parties are unable to agree on the Equal Opportunities Plan as provided for in Subsection (4), the Rector and the Chancellor shall decide on the basis of Subsection (2) of Section 264 of the Labour Code after hearing the opinion of the Council of Public Servants.
- (6) The publication and issue of the Equal Opportunities Plan is carried out by the Administrative Directorate. The Equal Opportunities Plan shall be published on the University website.
- (7) The Senate monitors the preparation of the Equal Opportunities Plan and, if necessary, issues a resolution calling on those responsible to ensure the proper preparation of the Plan.

IMPLEMENTATION OF THE EQUAL OPPORTUNITIES PLAN**13.§**

- (1) The Rector and the Chancellor are jointly responsible for the implementation of the Equal Opportunities Plan, it being understood that the Council of Public Servants and the Trade Union actively participate in it.
- (2) The Senate shall monitor the implementation of the Equal Opportunities Plan and, if necessary, issues a resolution calling on those responsible to implement it.

REPORT ON THE IMPLEMENTATION OF THE EQUAL OPPORTUNITIES PLAN**14.§**

- (1) The Rector shall report on the implementation of the Equal Opportunities Plan at the Senate meeting following the expiry of the Plan. The Senate decides on the report in a resolution.
- (2) The Equal Opportunities Committee shall prepare the report with the assistance of the Administrative Directorate.
- (3) The Equal Opportunities Plan shall include an analysis of the employment situation, in particular the working conditions, training as well as childcare and parental benefits, of groups of disadvantaged employees in a public servant relationship with the employer, in particular
 - a) women,
 - b) public servants over 40 years old,
 - c) Roma,
 - d) people with disabilities,
 - e) employees with two or more children under the age of ten or single employees with children under the age of ten,as well as the employer's objectives for equal opportunities for the year and the means to achieve them, in particular training, health and safety at work and the employer's programmes concerning employment conditions.

COMPLAINTS ABOUT EQUAL TREATMENT VIOLATIONS**15.§**

- (1) The University shall ensure the opportunity to lodge a complaint in the event of a breach of this Regulation in the following ways:
 - a) In the event of a violation of equal treatment, harassment, unlawful segregation or retaliation, the aggrieved party may refer the matter to the Equal Opportunities Committee.
 - b) The complaint shall be submitted to the Chairperson of the Committee.
 - c) The Committee shall investigate a complaint within 15 days of receipt of the complaint, which may be extended once by 15 days in justified cases, with simultaneous notification to the complainant.

BREACH OF THE RULES ON EQUAL OPPORTUNITIES

16.§

- (1) A serious breach of the University's rules is committed by any person who engages in conduct that violates the human dignity of a lecturer or academic researcher, including external lecturers and contract researchers, other public servants or students of the University, in particular by intentionally or negligently harassing other or by direct or indirect discrimination, unlawful segregation or retaliation.

CLOSING PROVISIONS AND PROVISIONS ON ENTRY INTO FORCE

17.§

The present Regulation was adopted by the Senate at its meeting of 19 December 2016 and the previous regulation was repealed at the same time.

Dr. András Láncki
Rector

Dr. Lívia Pavlik
Chancellor

Copy certified by:

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