

THE CONCEPTIONAL SPECIALITIES OF “OTHER CHARACTERISTIC” AS A PROTECTED ATTRIBUTE IN HUNGARIAN LAW*

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ABSTRACT: *The subject of this paper is the analysis of the “other status, attribute or characteristic” as a protected characteristic stated in point t) of art. 8. § of the Ebktv. (Act CXXV of 2003 on equal treatment and the promotion of equal opportunities) in Hungarian law. The paper focuses on the interpretation of “other characteristic” in connection with employment discrimination emphasizing the extensive or narrowing interpretation of this concept. This approach is based on the possibility that “other characteristic” can be interpreted in a special way in relation to employment relationship; furthermore, this protected characteristic is cited very often in employment discrimination cases. But these specialities and possible alternatives have to be synchronized with the general interpretation and application of “other characteristics.” The following examination is based on the Hungarian legal practice, so this way both the legal practice of the Equal Treatment Authority and the judicial practice are analysed in detail. Some problematic cases are also mentioned to highlight the typical differences between the two branches of legal application. The starting point of the paper is that the meaning of “other characteristic” changes from time to time and shows a fragmented picture, so its conceptual analysis is needed.*

KEYWORDS: *equal employment, fundamental rights, labour law, protected characteristics, social protection*

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