

**NATIONAL UNIVERSITY OF PUBLIC SERVICE**  
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Doctoral (PhD) dissertation

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**Equal treatment in the civil service**

Thesis booklet

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## 1. Justification of the choice of topic

Our aim in the dissertation was to improve the functioning of the public service by examining the principle of equal treatment. The public service has undergone a significant change in recent years with the advent of new professional law, so it is reasonable to examine the role of equal treatment in the changing public law regulations and in the public service. A value-added public service governed by public law must have the public interest in mind. It is in the public interest to regulate fundamental rights, which can only be regulated by law. The legal protection of officials is therefore based on an objective basis. Community directives also provide protection against discrimination, in particular in the fields of employment, vocational training, education, social security, and health care, by prohibiting direct and indirect discrimination, harassment, instructions to discriminate, and retaliation. Human dignity is the basis of the equal treatment that all human beings are entitled to because of their equal and inalienable rights. However, human dignity is different from the law because, on the contrary, it must be enforced unconditionally. Equal treatment is a fundamental principle in the process of equal treatment in court decisions. It is also an unavoidable principle for a society “consuming administrative services”, especially in parliamentary and local elections, public procurement, in the provision of public services, or in access to public services. It is vital in the public service because it is interdependent and inseparable from human rights, so it is one of the most important principles of society, but it is also a dynamic principle, regulation and practice, despite the constraints of the state interest. In summary, the principle of equal treatment is, in our view, particularly important in the civil service. On the one hand, in the possibility of public service application. On the other hand, in serving the “public” more effectively. Thirdly, the coherent staffing system, which, in contrast to its integrity, is affected by unequal treatment as a factor of disintegration. Finally, the civil service must not, in accordance with the rule of law, discriminate against the services it provides to members of society.

## 2. The subject of the research: equal treatment in the Hungarian government service

We are primarily looking for answers to the conceptual content and functions of equal treatment, which are manifested in social justice and in ensuring human dignity, especially with regard to public service legal relations. Secondly, we sought an answer to its role in the administration, ie the effects of the law on the administration, including the responsibilities of

the state and the employer administration in this regard, and the behavior of government officials and the relationship between officials and service users.

### 3. Research method, hypotheses

The research includes an overview of secondary legislation, a political science approach, primarily related to equal treatment, legal literature, and court judgments. We believe that the principle of equal treatment and justified unequal treatment are such defining principles of the world of man and work that it gives an examination and a specific approach to the relationship between man and work. Thus, discrimination is a natural phenomenon in the public sector as well, and discrimination is also of natural origin, which is nevertheless widely prohibited by law, so it is justified to examine the legal framework of the prohibitions. Public administration is a complex system of state activities that also influences the behavior of others, and influencing behavior is a responsible activity, so it must be free from prejudice. Equal treatment can appear in the four-pole obligations of the state, employers, civil servants and in the relations of the users of public services, therefore we have examined these areas in detail in the dissertation. In the dissertation, the operation of the principle of equal treatment is described in particular in Kttv. and Kit. The investigation could not circumvent the legal investigation, as it is the basis of administrative processes. At the same time, we assumed that law remains a dark stack for society, and members of society are not obliged to recognize its laws. For members of society, equal treatment is more a matter of equality, even though it would be manifestly unfair. It follows from the above that it is necessary to justify equal treatment in the relationship between the administration and society.

Hypotheses:

1. Based on our first hypothesis, the role of the state in the principle of equality and non-discrimination goes beyond the simple legal protection of the employer and government officials, it may also extend to the relationship between the official and the client. The requirement of equal treatment appears in the Kttv, the Kit. and other public service legislation, directly or indirectly.
2. Our second assumption. According to the Commission, the elimination of discrimination and the preference in the public service are, in particular, the responsibility of the employer and, although with different priorities, have an impact on the entire career of a government official.

3. Our third hypothesis is that equal treatment involves the proper conduct of an official because he exercises his duties throughout his career on the basis of respect for the law and beyond, with increased responsibility.

4. On the basis of our fourth hypothesis, equal treatment plays a significant role in the relationship between the official and society, because the official serves society in such a way that he meets the requirements of the conduct expected of him at all times. This conduct of the official is subject to legal judgment, which goes beyond legal scrutiny because it is presumed that equal treatment on the part of society also takes non-legal approaches.

#### 4. Structure of the dissertation

In the first chapter of the dissertation, we examined the obligations of the state in the public service, in the field of equal treatment. We covered the concept and function of the public service, the profession of the public service. We defined the content of the public service legal relationship, the state and the quality of the employer, we mentioned the relationship between the continuous transformation of the public service and equal treatment. We elaborated on the principle of protecting the weak as a general and ongoing public task and mentioned the history of prohibiting discrimination. We covered the most important principles of equal treatment, the prohibition of sex discrimination, the principle of equal pay, and the recognition of social rights. We spoke about the content of equal treatment, the prohibition of discrimination, and the principle of equal opportunities. We have distinguished between discrimination, equal treatment and justified unequal treatment. We spoke about the appearance of the principle of equal treatment and its absence in our domestic public law. We covered the domestic eras of equal treatment after the change of regime. We have mentioned the place of equal treatment in the Constitution, the Basic Law, and the Ebktv. We recalled the possible contents of direct and indirect discrimination, harassment, unlawful segregation, retaliation, multiple discrimination.

In the second chapter, we examined the obligations of the employer in light of equal treatment. We mentioned the fundamental rights and obligations of the employer with regard to equal treatment. We covered the development of personnel policy, personnel management, and government service, as well as the selection procedure. We examined conflicts of interest, non-appointment employment, and employment of people with disabilities, including the requirement for reasonable accommodation. We have mentioned the principle of the primacy of merit, performance appraisal, and the determination of pay in relation to equal treatment.

We examined the relationship between discretion, discretion, and salary. We covered the protection of the salaries of pregnant, childbirth, or breastfeeding workers, the role of part-time work, working from home, and positive measures and gaps in reconciling the profession and family life of a government official. We spoke about the official's family life situations, mentioned the relationship between maternity leave, advocacy, termination of government employment, and the retirement age and termination of employment, termination, and equal treatment.

In the third chapter, we examined the obligations of officials in the light of equal treatment. In this round, we spoke about the principles of career, commitment, and loyalty. We have mentioned the principle of giving priority to national interests, political neutrality (impartiality), subordination, worthiness, and unworthiness, in the conduct of the official. We have explained the relationship between equal treatment and professionalism, legality, legality and the prohibition of abuse of rights. We examined the protection of privacy rights, data protection, justice, and the principles of fairness, good faith, and fairness. We paid attention to the relationship between non-prejudice, instruction, and discrimination. We mentioned the relationship between instruction, discrimination and responsibility, the principle of increased responsibility of officials, and efficiency.

In the fourth chapter, we examined equal treatment in the relationship between public service and society (customer service). We have linked the principle of equal treatment to the principles of legality, professionalism, efficiency, and the right attitude of officials. We also covered some possible forms of social interpretation of equal treatment.

In the fifth chapter, we provided an answer to the enforcement of the obligations of the state, the employer, the government official, and society in relation to equal treatment.

## 5. Conclusions of the dissertation, verification of hypotheses

### I. Obligations of the State in the field of equal treatment

Our first assumption is that the state is committed to equality and free from discrimination goes beyond the simple legal protection of the employer and government officials, it is the basis of the substantive rule of law and thus extends to the relationship between the official and the client. The requirement of equal treatment appears in the Kttv, the Kit. and other public service legislation, directly or indirectly.

This task is divided into several subtasks:

- legislative interests and the principle of human dignity
- implementation which is affected by equal (proportionate) treatment monitoring implementation, influenced by human experience to preserve human dignity

The role of the state in enforcing equal treatment is therefore, in particular:

1. The state, a legislator, is obliged to ensure human rights through legislation. The state, as an employer, is self-obligatory in ensuring equal treatment. The role of the state in shaping equal treatment is central to the continuous transformation of the civil service, and its role in outsourcing tasks is especially emphasized, because the legal protection of civil servants is weakened, as insurance elements.
2. Recognition of human dignity is based on the equal value of human lives. Thus, the conceptual element of the public service of the state is the indiscriminate service of all the persons who make up the “among”. The state's fight against discrimination is particularly pronounced in the areas of labor and employment, trade union membership, social rights, including the right to social security, health care, education, and the market for goods and services. In addition to the prohibition of discrimination, equal treatment is important for the establishment of social security, especially in the case of illness, disability, disability, widowhood, orphanhood and involuntary unemployment, in the case of positive action by the state.
3. It is the responsibility of the current Government to take measures to ensure equal opportunities. Under these provisions, preference for equal access to citizens or services is allowed, but subject to time and conditionality and limited to the prohibition of discrimination.
4. The State is also required to apply equal treatment to intra - Community workers, including those in the public service, but the establishment of a civil service relationship with a non - national is an exception to the provisions of Article 13 EEAS. The Kttv. and Kit. its rules differ in this respect, the employment of nationals of the states party to the ESC Convention as an administrator in the Act is possible. The state's anti-discrimination activities are based on traditions, but respect for traditions must not prevent the recognition of mistakes made against human dignity in the past and the introduction of new achievements that ensure human dignity.
5. The state is obliged to maintain the requirement of equal treatment in public service legal relations, because the public service legislation is thus regulated by Act Kttv. and Kit. provisions of the Ebktv. shall be read in conjunction with the provisions of Equal treatment

has appeared in the Constitution, the Basic Law, the Ebtv., As well as in sectoral legislation, but its most frequent area is labor law, but within that it is public service law.

6. The civil service of the state must comply with the principle of the rule of law, which is also the basis for the implementation of equal treatment. However, there are values that are more important to society than equal treatment or, if you prefer, the unconditional exercise of individual rights, in particular the public interest, public order, public security, public health, so these areas can be an exception to the mandatory application of equal treatment.

On the one hand, the essential elements of the public service is to serve the “public” as efficiently as possible, so an efficient public service is now inconceivable without an inclusive staffing system. On the other hand, the state needs to take action against discrimination in particular through training. Thirdly, due to the rule of law, the civil service must not allow discrimination in its services to members of society and its own organization, so there is a need for an institutional, preventive and sanctioning system to ensure the enforcement of victims, but in particular not to operate properly. application of a sanction.

7. We argue that the application of the principle of equal treatment is of a preventive procedural nature and, to a limited extent, of a reparative nature.

1. It is preventive in nature when the authorities and courts acting in the case focus on the findings of legal cases in their decisions and these lessons are reflected in their decisions and in the training materials for the training of officials.

2. Procedural role because administrative bodies and officials follow the legal requirements to ensure the human dignity of persons.

3. Reparative is the role because of the person. Community legal protection is capable of remedying the pecuniary damage of the victims, with the fact that it is questionable whether the non-pecuniary damage of the victims can be remedied at all, but it is certain that it cannot be remedied by material means alone. it can be argued that equal treatment is not always necessary, but that preferential or disadvantageous treatment must be justified in all cases. We could draw conclusions in this direction by examining legal cases, as in both “common law” and continental law, courts refer to their previous decisions. On the other hand, public administrations implement legal regulations created by the legislator, also in the manner specified by legal regulations. Third, by violating equal treatment, defendants receive monetary or other penalties, and plaintiffs receive pecuniary and non-pecuniary damages, but traces of their violation remain in their memory.

8. Equal treatment is incessantly affected by changing law, because it is characteristic of man to build, change, or eliminate incessant structures through his thinking. Maximizing the

welfare of the state involves a number of utilitarian and distributive justice practices that are enshrined in law and that are often confronted with equality theories. Changes in people's living conditions make it necessary to continuously examine the implementation of equal treatment in employment law. Because of the above, the equal role of the state and non-discrimination go beyond the simple legal protection of the employer administration and government officials. In the public service laws that are the subject of our investigation, the requirement of equal treatment appears in the regulations of the Kttv and the Kit, either directly or indirectly. However, the low number of cases of civil servants going to court for breaches of equal treatment does not justify the importance of equal treatment, as the latency in this area is likely to be higher than in the private sector due to the possible loss of a stable job.

## II. Obligations of the employer in the light of equal treatment

According to our second hypothesis, the elimination of discrimination and the preference in the public service is especially the duty of the state employer, public administration organization, and although it has different priorities, it has an impact on the entire career of a government official.

1. Respect for human dignity and the obligation of equal treatment can also be formulated on the part of the state as an employer, because the equality clause for those exercising public power includes that all natural persons, including government officials, be treated as equal dignity. A number of other obligations of the governmental organization arise from this obligation, as equal treatment plays a role not only in access to the official's job, but in particular in public service vacancies, provisions relating to the official's pre-employment procedure, recruitment and the termination of his employment relationship. Equal treatment cannot be dispensed with in determining and securing an official's benefits under his employment relationship, in particular his salary. He also plays a significant role in the official's membership or participation in officials' organizations, in the promotion system, in enforcing compensation and disciplinary liability, and in coordinating the professional and family responsibilities of officials. These obligations are also emphasized in the employment of officials with disabilities, in the case of part-time, teleworking, or work at home, or in retirement.

2. A breach of equal treatment requires, in addition to complying with legal requirements, an ethical consideration on the part of the employer, considering the consequences of the breach.



Nevertheless, violations of equal treatment, despite their obligations in this regard, are most often committed by employers. The employer administration should not discriminate against officials on the basis of race, color, nationality and social origin or political opinion, but may use preference for the same characteristics to achieve equal opportunities between officials, for example, a person with a disability may be given priority subject to reasonable accommodation. The employer must take into account the requirements of equal treatment in ensuring gender balance, especially for management positions and members of selection bodies, but cannot take it into account when recruiting officials because the primary condition for employment is adequate qualifications.

3. It is also the duty of the governmental administration to provide all government officials with conditions for healthy and safe work, including:

to ensure and organize the performance of duties in such a way as to enable the government official to perform his duties without prejudice to the vulnerability of the official, in particular during his pregnancy. It is important that, for example, an official cannot be placed in a lower post simply because of his maternity when he returns to his employment. Ensuring healthy working conditions is the responsibility of the employer, failure to do so can make the employee physically, mentally and mentally ill. Ensuring healthy working conditions can also be achieved through the adequacy of the physical environment, but healthy working conditions also include the preservation of mental health, as it is served by a non-discriminatory work environment. 4. In the case of employment other than an appointment, the level of legal protection may be reduced, as there can be no question of comparability between officials affected by a change of appointment and those not affected by a change of appointment if their duties are different and the investigation is related. Even if their duties are similar, the family situations of officials may be different, which affects their work. Therefore, in the event of a change of appointment, fair and equitable treatment must be applied to the same or similar official positions, which presupposes a broader interpretation of equal treatment.

5. The public service regulations of the government administrative body may not be in conflict with the legislation at a higher level of the legal hierarchy, thus the Ebktv. nor with its requirements. A cardinal issue from the point of view of equal treatment is that the obligations of officials may arise from a unilateral declaration of rights in the Kit. or from legislation and public service regulations issued for its implementation, but they may not be contrary to the principle of equal treatment, for example. and causes a government official to be disadvantaged, in particular, if his job is changed or his salary is reduced. The government

administration must therefore provide not only non-discrimination but also the Ebktv. the possibility of preference. Although the obligation to prepare an equal opportunities plan (ET) is not stipulated in the Kttv. nor the Kit. not included, budgetary bodies employing more than fifty persons and majority state-owned legal entities are required to adopt an ET. In particular, the ET helps to promote the requirement of equal treatment in reconciling the official's work and family responsibilities, as it is designed to improve the quality of life of disadvantaged officials.

6. It is also the duty of a government administrative body to ensure the possibility for all government officials to exercise their rights related to advocacy activities. The damage suffered by an official can be not only material but also moral, which can occur in the context of a violation of personality. It is important for the protection of the official's unified, indivisible and closed personality, on the one hand, that he may not waive his personal rights in advance in advance and only in advance and in writing of his specific scope. Restrictions can only be made if they are directly related to the purpose of the restriction and are strictly necessary and proportionate to the achievement of the objective. In the case of a breach of equal treatment, enforcement may differ from private proceedings in public law, which are decided by a court in an employment or civil law case. The Metropolitan Court has exclusive jurisdiction to review the decisions of the Commissioner for Fundamental Rights and the authority related to Ebktv.

7. The protection of human dignity throughout the administrative career is of paramount importance, especially in the immediate vicinity of the retirement of officials and in the field of retirement measures. We face a number of issues in this area, such as whether the retirement of officials for labor market purposes can be justified, whether it is possible to re-employ officials who have reached retirement age, or whether it is legal for women to retire earlier. The answer to the first and second questions is that a measure of a Member State is lawful if its legitimate objective of labor market policy can be objectively and reasonably justified, provided that the attainment of that objective is an appropriate and necessary means. In the third case, although the answer is that there is no uniform retirement age in the Union, the Member States have a wide margin of discretion, which can be regulated by the legislator in the public sector, in pension law, or in sectoral law. The appropriateness and necessity of a difference in treatment based on age must be determined by the national court in order to achieve a legitimate aim.

With regard to the legal relations of government officials that are the subject of our study, we have established that it is influenced by a diasporic arrangement. al principle of equal

treatment, which is also recognized in Community labor law, means that some areas of law are elaborated in this respect, while others are not yet worked out by case law. We believe that, in this respect, the area most elaborated by case law relates to the value of the work, and the least elaborate area relates to the professional and family life of the official. However, this “elaboration” does not follow a causality of importance, but of legal development. In the system of equal treatment as a public service system ensuring good quality, the elements are characterized by the content of the relevant substantive law and the system of procedures provided, so that the employer's conduct is essentially aimed at operating effectively within the framework of legality. The official's activities support the employer's activities, but he also represents his private interests in the course of his employment, which is why the official representing the employer has an increased responsibility to ensure equal treatment, in particular with regard to the right to give instructions.

### III. Obligations of the official in the light of equal treatment

Our third hypothesis is that equal treatment involves the proper conduct of an official because he exercises his duties throughout his career on the basis of respect for the rule of law and beyond, with increased responsibility.

1. It is important for officials to consciously shape their lives to take into account that their behavior also serves as a model for private sector employees. The principle of equal treatment is one of the principles of public service law permeating the Hungarian public service profession, also because the official engages in ethical conduct during his or her working hours, as well as moral conduct. Ethical treatment embodies the difference between the prohibition and elimination of discrimination. The recognition of dignity is based on consensus, it depends on the culture of the given people, the subjective justification of which can be found in different ideologies, but its objective justification is contained in the rights of the person. Human dignity is generally unrestricted, but the partial rights protecting certain aspects of the personality, such as the right to self-determination and the right to personal integrity, may be restricted.

2. The primacy of the national interest is ensured at all times by the public servant because of his commitment to the public interest. A service performed for the common good can be called a public interest. The common good is mentioned in connection with the interpretation of legislation, along with common sense, morality, and economy. The official's conduct must not, therefore, be contrary to common sense, morality, or economy.

3. The requirement of equal treatment requires an official to provide services regardless of party affiliation, which includes non-party affiliation. General impartiality does not stand on either side or requires the same level of standing on several sides at the same time. However, the civil service is tied to changing politics, cultural traditions, and the growing expectations of the private-sector, as well as the intentions of the current Government. The often changing detailed rules and often the preferential provisions concerning the legal relationship of officials also affect professional independence, therefore, in our opinion, it can be considered multi-dependent and change-dependent in terms of equal treatment.

4. The subordination of officials to regulatory legislation is specified by law. Subordination - for functional reasons - can also be called subordination to representative bodies. Another form of subordination is found in the official's duty of obedience to the leader. Subordination and, on the basis of the requirement of equal treatment, results in the same degree of subordination for government officials in the same function and at the same level of administration, in the same level of office, in the performance of the same tasks.

5. For government officials, an act performed on the basis of the principle of legality means in a positive sense that the activity to be regulated complies with all applicable legal requirements. And keeping the rule of law in a negative sense means that it cannot be overridden by a commitment to political, ideological or other principles. In a positive sense, the official submits to the will of the state on the basis of the precise content of the law, but it cannot serve purposes against the person, since the official carries public confidence. What makes an official unworthy is the lack of an internal commitment to human values to the civil service and his or her equivalent official or private conduct.

6. Equal treatment is also affected by the recognition of merits in respect of length of service as an employee. 'Merit' may therefore constitute discrimination on grounds of age because it is based on a condition which is inextricably or indirectly depends on the age of the workers. The merits of an official, the conditions of the promotion are determined by performance appraisal, further training, examination, legislation, but the principle of obtaining merits is not confirmed by the fact that the criteria for managerial selection - which provides significantly greater financial and other benefits than promotion - are not defined nor in the Kit. on what principles it is done.

7. In public administration, the principle of professionalism is a collective concept permeated by the general, equal and fair right to work. It is important for equal treatment that an official performs his duties professionally if he acts in accordance with the principles of legality,

legality, protection of individual rights, good faith and fairness, freedom from prejudice, obedience to instructions, increased responsibility and, last but not least, efficiency. properly.

8. The requirement of the lawful exercise of a right is a principle that determines the conduct of officials, the conflicts of which with other legal provisions are known. The prohibition of abuse of rights is contained not only in the text but also in the spirit of the law, so its perpetration, failure to prevent the perpetration, and incitement or incitement to perpetrate are also prohibited. 9. The content of good faith is legally defined. However, equal respect for all does not mean that everyone is treated equally, but that respect and dignity for all is guaranteed and that there is scope for positive enforcement.

10. Immunity from prejudice, obedience to a non-discriminatory instruction, and responsibility for the execution of an instruction form a chain of presupposing and consecutive. Prejudices can also be found in the official's thinking, verbal expression, action, behavior that avoids a necessary action, and in the enforcement of his interests, but also as a result of his act following a verifiable, legally unjustified instruction. An instruction is a punishable act if it calls for, implements, or only results in discrimination. In addition to direct and indirect discrimination, an instruction to commit discrimination may also provide grounds for harassment, unlawful segregation, retaliation, abuse of rights, and permutations of such conduct.

11. A government official is capable of committing a violation of personality. The behavior of a natural person acting on behalf of a legal person that violates the right to privacy must be attributed to the legal person, which may result in sanctions. Execution of instructions determines, in the absence of an instruction, the actual exercise of decisive influence over the act.

12. An efficient work of an official is not only effective if he is able to perform as many tasks as possible at the highest possible level in a unit of time, because his efficiency is also affected by the satisfaction of deadlines, customer satisfaction and cost savings. Therefore, in the spirit of equal treatment, we also mean the assistance of quality legislation and the cooperation with the client, the innovative behavior of the official, which is primarily the responsibility of the official.

13. The principle of justice interweaves the principles of public service on the basis of equal treatment, of which proportionality is in any event an integral part. The official is therefore exercising a fair trial within the time available to him by complying with the law. Officials often derive their conduct from complying with the law, but attesting to equal treatment, even because of possible legal shortcomings, requires more from the official: attesting to conduct

in the spirit of the law. Equal treatment can be ensured only by assessing all the relevant facts available, which is limited by the official's discretion.

14. Discrimination against officials may exist without hostile thoughts or direct intentions (out of interest or omission) which, if they materialize, constitute one or more of the conduct listed below which is unfavorable to others.

| Forms of discrimination | Offending behaviors  | General prevention  | General, special prevention, sanction   |
|-------------------------|--|---|---|
| Conditional act         | Hostile, or non-hostile thought                                  | Attitude formation, training with legal cases                           | None                                    |
| Lack of act             | Avoidance, omission  | Training with legal cases   | None or less applicable due to omission |
| Action                  | Verbal, hate speech, incitement, harassment                      | Training with legal entities and persons with protected characteristics | Application Civil and / or criminal law |
| Act                     | Direct, indirect, unlawful segregation, harassment, retaliation, | Complex training with legal cases, applying good practices              | Civil and / or criminal law             |

Forms of discrimination and employer measures against them (Source: own editing)

Because of all this, the proper conduct of officials is different. These principles are implicitly considered, but in the absence of this, their behavior is often derived to the level of legality and compliance with management instructions.

#### IV. Equal treatment in the relationship between the public service and society

Based on our fourth hypothesis, equal treatment plays a significant role in the relationship between the official and society because the official serves society in a way that meets the requirements of the conduct that can be expected of him at all times. This conduct of the official is subject to legal judgment, which goes beyond legal scrutiny, because it is presumed that equal treatment on the part of society also takes a non-legal approach.

Public service from the official's side:

1. Equality before the law is a principle enshrined in the Basic Law, because the prohibition of discrimination also stems from national traditions. This form of equality also means that all

people have inviolable and inalienable fundamental rights. Human dignity is a fundamental right that every human being has, and the right to equal treatment can be derived from this right. On the basis of the prohibition of discrimination, any unjustified discrimination based on the protected characteristics of persons should also be avoided during official proceedings. However, equality in the procedural sense does not in itself provide a guarantee for the enforcement of the need for equality, it also requires substantive legal guarantees and appropriate legislation.

2. Cooperation between the authority and the client is not unequal cooperation between equal parties, yet it is necessary to operate the services harmoniously. Thus, on the one hand, we can state that the position of the official representing the state and the client are not equal, and on the other hand, there is no perfectly equal situation between the citizens. This raises the need for the official to become the appropriate instrument mentioned earlier. In cooperation between the client and the authority, the authority must be characterized by pro-activity, which is manifested in the authority's *ex officio* procedure, in the provision of fast and professional administrative alternatives, and in the provision of professional services.

3. Good faith and fairness are also procedural principles. Good faith is a principle of trust, according to which the official's procedure is lawful even in the absence of knowledge of the real facts, but it can only be interpreted in the procedure together with great care, because it is part of the professional procedure. Fair conduct in good faith is a constant factor in an official's proceedings, including the duty to correct errors and the requirement to make proper use of the information available to him.

4. From a procedural point of view, the procedure is legally binding, prohibited or permissible conduct. Procedures can be good or bad, fair, or unfair, but the official is not meant to decide on the content of "truth" because he or she must follow the instruction. In this sense, the "morality of an official" follows the morality of the person responsible. A government official should not engage in conduct that could undermine confidence in the goodness of the administration (the state). When an official performs a service, in addition to settling the case, he also paints a positive or negative image of the state employing him.

5. Trust also means the client's reliance on the official, when the client entrusts the official's expertise to settle his case quickly and without prejudice, so a high degree of expertise and the application of the appropriate social attitude can lead to the client's trust. A high degree of social expertise is manifested primarily in the rapid application of the appropriate official attitude and in influencing the client attitude. Appropriate official attitude, primarily a mix of expertise, quick situation assessment, and emotional factors.

6. In electronic administration, the authority, (the official) is obliged to act in accordance with the requirements of good faith and fairness and “mutual cooperation”, which differs from personal administration in the shortcomings of “customer perception”, but although it is “colder” even higher. it can also ensure quality by eliminating human error. The IT network alone does not guarantee access to public administration services for everyone, it also requires the development of the standard of education to such an extent that it can provide a sufficient basis for it. The use of IT networks and the lack of applications - in the absence of material or IT knowledge - can exacerbate customer inequalities. The administration of the future will also be forced to modernize education and support e-government for reasons of efficiency, but the “home-based service should not be to the detriment of customers.

7. The Ákr. it mentions several aspects of equality. "Reasonable time" directly affects equal treatment if not all clients in the same situation deal with their case within a reasonable time. A hThe principle of equal treatment also implies, with regard to equal treatment, that the authority proactively protects the interests of minor, partially or totally incapacitated clients, as provided by the authority ex officio, in accordance with the provisions of the law.

8. Lack of accessibility justifies direct discrimination. A person with a disability also has the right to an accessible, perceptible, safe, public natural or artificial environment, including the information environment. Adverse circumstances for clients may lead to a reduction in their ability to assert their interests, especially in the case of their reduced mobility. The Acre. formulate positive measures to ensure equal treatment of clients, in terms of language use, also for foreigners, or when it causes the least cost to all participants in the procedure and closes the procedure as quickly as possible. Fair treatment is not simply equal treatment, but an enhanced form of the official's efforts to ensure more accessible social services and equal access, especially for people with disabilities. Lack of equal access is a failure of society to be borne by the official when the client is at a disadvantage in the absence of a perceptible and secure built environment or information of public interest. The determining authority therefore uses tools and persons to ensure the success of the procedure.

9. The "minimum cost" for customers in different financial situations corresponds to equal treatment, but only serves the purpose of equality if the procedure is free because a "small amount of service" imposes different burdens on customers in different financial situations, but not all the cost of official proceedings is duty-free. Barriers to effective and speedy access to justice include the length and cost of time limits and procedures for bringing an action, and limited legal aid.



10. It is procedurally possible to assess the discriminatory conduct of an official and the cause of legal disadvantages resulting from its precedents. Discriminatory previews:

discriminatory thoughts that contain discriminatory conduct insofar as they lead to legal disadvantage.

discriminatory verbal expressions.

The clerk should not attach too much importance to the conclusions that can be drawn from a person's external appearance when evaluating the client's non-verbal communication during the administration. With a wealth of knowledge, the clerk can "go beyond" the attention, and especially diligence, that can be expected of him.

11. We believe that the broadest interpretation in the relationship between the official and society is offered by sociological interpretation, because he considers equal treatment to be fair, positive, and beneficial to society. The content of the treatment of the client by officials is largely derived from legal regulations, procedural and professional ethics principles for officials. In determining the official's behavior, it is decisive which social stratum he comes into contact with, since civic equality does not mean, for example, that a lawyer or a primary producer requires the same attitude as an administrator. In Hungary, AB has already stated in many cases that discrimination for social equality is an exception to the prohibition of discrimination, because equal treatment must serve equal justice.

12. The relationship between an official and society is fundamentally different from the official's relationship with the state, an employer, or another official. The relationship between the official and the client is not merely determined by law. Tolerance of the service organization in the direction of both the organization management and the vulnerable can be expected. Such tolerant conduct may comply with the principles of non-discrimination and equal treatment. Officials know that human dignity belongs to all people, and as a result, all members of society have the right to equal treatment. The relationship between officials and recipients of administrative services, the rights and willingness of the client on the part of the officials, and the involvement of the clients on the part of the clients are a requirement.

13. Officials know that equality before the law, the prohibition of discrimination, are enshrined in the inviolable and inalienable fundamental rights of man in the Basic Law and many other laws and organizational regulations. The service provider is also required to provide fair services on the basis of knowledge and application of substantive and procedural rights. Customers don't necessarily know this — and they don't necessarily need to know — therefore, they often only perceive effective kind, courteous treatment. For a harmonious relationship between the official and the client, you are the "client" his / her involvement is

necessary, not only when the client wishes to exercise his / her rights consciously, but also when, although the client has no right, he / she has a need to advance his / her case, as the client's

14. The principle of legality referred to in the CCP is linked to the principle of equal treatment, where, in the interests of efficiency, the authority organizes its activities in such a way as to cause the least cost to all participants in the proceedings and to close them as quickly as possible. The “least cost” for clients in different financial situations is equivalent to equal treatment, but it serves equality purposes only if the procedure is free, although free of charge is the same relief for all clients, and a small fee is not.

15. Barriers to access to efficient and rapid public service include the time limit and cost of claiming discrimination. The attitude of the officials therefore plays a significant role in the quality of the work of the customer service. In the conduct of a government official, good faith means not only objective fairness but also a subjective state of consciousness. The standard of administration can be satisfactory, adequate, excellent, or satisfying the wishes not expressed by the client. We all want to receive services based on the latter standard, which is conditional on extensive customer information, error-free customer management, and successful case management.

Public service from the side of society:

We believe that, in the absence of legal knowledge of the client, the official seeks to determine “equal treatment” from several directions in which he plays a role:

1. A mathematical and fact-based interpretation of equal treatment, customers only talk about equal, - advantageous, - and disadvantageous treatment.
2. With regard to the logical and intentional interpretation of equal treatment, customers shall measure only by rules that do not apply to everyone and not to anyone.
3. According to the moral and value-based interpretation of equal treatment, only fast, kind, and cheap administration is valued by customers.
4. On the basis of a textual and complex interpretation of equal treatment, clients regard equal treatment as a will of the people and do not take into account complex legal requirements.

In summary, equal treatment must be ensured by officials in cooperation with society. The official is on the ground of law, but society thinks of equal treatment in color, but judges it on the basis of what is considered fair. For an official, “the case” is just one of many cases. For customers, only their business exists. The client either does not know - or knows or knows the case badly. The clerk needs to know. As administration is a series of “if-then” type steps, and equal treatment is partly a series of steps, but partly a series of “each” steps, we cannot talk

only about uniform or just fair treatment. The official must pay attention to all the essentials of his procedure because in addition to his administration, he also paints a positive or negative image of the state for clients.

## 6. New scientific results

Equal treatment has always been at the crossroads of interests. Equal treatment is inconceivable without equal dignity. However, equal treatment of the person is not the most important social interest, because it was preceded by the interest of the reconstruction of the state, think only of the II. legislative gap in this area from World War II to the early 1970s. At present, we consider the enforcement of the public interest, public order, public safety and public health to be an exception to the unconditional enforcement of equal treatment. It is expected that the principle will become more prevalent in the field of outsourced public tasks, as administrative tasks are increasingly performed in the electronic space, which contain special guarantees and require special expertise in areas such as data protection.

In our opinion, the notion of the independence of the public service needs to be re-evaluated, as equal treatment does not result in equality between servers and employees, servers must support those who deserve and therefore have the right to respect. We do not consider compliance with the obligation of officials required by the letters of the law to be the basis for the service provided in the highest quality in the public service. Acting in the spirit of the law is what can ensure this quality. This quality may also exceed the quality expected by society.

In the new Hungarian public administration, the knowledge acquired through school education cannot be underestimated, but cannot be considered exclusive, because informal and non-formal knowledge may be more decisive in a given field than formal knowledge. From this follows the intermediate the increased role of consultation in management, which ensures knowledge sharing and appropriate remuneration.

## 7. Suggestions

Training can ensure equal treatment and the protection of the dignity of the person in the changed administrative space. The cooperation of not only the official but also the client is necessary to protect the privacy rights of the clients.

Mutual trust in the relationship between the public service and society also stems from mutual respect, which places more weight on the official, so he needs special knowledge to develop his right attitude. Specialization in public service training is needed.

The official is the embodiment of the state, acting in the spirit of the law, so he is not looking for an escape from the fulfillment of obligations, but for a high degree of representation of the interests of the client. For all these reasons, there must be a continuous flow of legislative development proposals to its leader, which convey practical knowledge to the legislature.

An official's motivation may be undermined by a lack of internal mobility within the organization if he receives remuneration that is inadequate to his knowledge. Officials with extensive experience should also be given the opportunity to pass on their knowledge of equal treatment to the younger generation.