DATABASE 2012-2024 ON ANTI-MUSLIM HATRED

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Germany	2012	Germany / Labour Court Berlin / 55 Ca 2426/12	https://openjur.de/u/547890.html	Religion	Labour Court (Arbeitsgericht)	During a job interview for the position of dental assistant, a female Muslim interviewee was asked to refrain from wearing her headscarf during work as a condition for the job. She refused and received a rejection via email.	Payment of a compensation of 1.470€ by the employer to the rejected applicant (three monthly gross wages of the job offer).	The petitioner was fully qualified for the job and was rejected only due to her refusal to wear a headscarf on the job. The court considered this clear discrimination on religious grounds.	Exclusion from the pool of candidates only due to a refusal to not wear headscarf; the headscarf is a genuine expression of the petitioner's religiosity.	"The scarf is no general clothing which may be subject to restrictions by the instructor on the grounds of workplace safety, aesthetics equal treatment or norms of working garment." "The voluntary exclusion of persons confessing to and practicing the Muslim faith is a compelling unequal treatment due to religion." "Dieses Kopftuch stellt nicht ein gewöhnliches Kleidungs- oder Schmuckstück dar, bei welchem der Ausbilder aus Gründen der Arbeitssicherheit, der Ästhetik, der Gleichbehandlung oder der Normsetzung im Rahmen einer Kleiderordnung das Ablegen begehren könnte." "Der gewollte Ausschluss von Personen, die sich zum Islam bekennen und ihn auf ihre Art leben, stellt zwingend eine Andersbehandlung wegen der Religion dieser Personen dar."

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