

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	2015	Germany / Labour Court Gelsenkirchen/ 5 Ca 1444/15	https://openjur.de/u/879863.html	Racial or ethnic origin	Labour Court (Arbeitsgericht)	A gardener in public employment published hate speech postings against migrants on Facebook. He was summoned to the staff council, which immediately terminated his employment contract. He claimed that he was not the author of the hate speech postings and that someone had hacked into his Facebook account. He filed a criminal complaint for defamation and hacking. The claimant also filed a petition to the Labour Court asking for an annulment of his employment contract termination.	Rejection of the claim; extraordinary dismissal has been upheld.	The dismissal complied fully with legal requirements. The Facebook postings constitute a disrespect towards migrants and indigenous persons having contact with migrants; irrespective of fulfilling the criteria for sedition, this justifies an extraordinary dismissal due to the trust relation with the employee.	Criteria for hate speech; damage to the image of the employer and the trust relationship with the employee.	"Right-wing, racist and xenophobic statements on an employee on the private Facebook page naming also the public employer constitute a gross violation of collateral duties of the work contract, thus being a serious ground for an extraordinary dismissal according to § 626 Abs 1." "Rechtsradikale, rassistische und ausländerfeindliche Äußerungen eines Arbeitnehmers auf seiner privaten Facebook-Seite, die auch seinen Arbeitgeber des öffentlichen Diensts nennt, stellt eine schwerwiegende Nebenpflichtverletzung im Arbeitsverhältnis dar, die einen wichtigen Grund für eine außerordentliche Kündigung nach § 626 Abs 1 darstellt."

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